



CITY OF CHARLESTON

Planning Commission Agenda Package

FOR THE MEETING OF :

October 18, 2017 2 George St, Charleston, SC
5:00PM - Regular Meeting

CITY OF CHARLESTON



DEPARTMENT OF PLANNING, PRESERVATION AND SUSTAINABILITY

www.charleston-sc.gov/pc

CITY OF CHARLESTON PLANNING COMMISSION

MEETING OF OCTOBER 18, 2017

A meeting of the City of Charleston Planning Commission will be held at **5:00 p.m., on Wednesday, October 18, 2017** in the Charleston County School District Board Room, 1st Floor, 75 Calhoun St. The following applications will be considered:

REZONINGS

1. **10 Society and two vacant parcels on Society St (Peninsula) TMS# 4580104002, 004 & 021** – 0.62 ac. Request rezoning from General Business (GB) to Mixed Use/Workforce Housing (MU-2/WH).
Owner: Leonard Storage Co, Inc; John T. Leonard, Jr, Inc
Applicant: Southern Land Co
2. **32 Laurens St and a vacant parcel on Laurens St (Peninsula) TMS# 4580104003 & 4580102017** – 1.32 ac. Request rezoning from General Business (GB) and Light Industrial (LI) to Mixed Use/Workforce Housing (MU-2/WH).
Owner: Multiple Owners
Applicant: Southern Land Co
3. **Clements Ferry Road at I-526 (Cainhoy) TMS# 2710002024, 025, 026 & 069** – approximately 67.98 ac. Request rezoning from Gathering Place (GP) to General Business (GB).
Owner: Hotel Holdings, LLC; SCT Properties LLC; Joka III LLC
Applicant: Hotel Holdings, LLC; SCT Properties LLC; Joka III LLC
4. **Properties on Folly Road (James Island) TMS# 3310600001, 3310700174, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364 and 365, 3340000047, 048, 049, 050, 051, 052, 053, 054, 055, 056, 061, 066, 066, 068, 069, 075, 085, 089, 150, 163 and 165, 3341200001, 3370000118, 119, 120, 123, 125, 160 and 177, 3370800004, 119 and 120, 3400000003, 061, 062, 064, 083, 088, 096, 097 and 768, 3400900001, 007, 018, 023 and 028, 4240000011, 012, 019, 020, 022, 023, 024, 025 and 029, 4240500001, 006, 015, 016, 017, 018, 019, 025, 026, 027, 028, 029, 031 and 074, 4240900031, 032, 034, 064, 087, 088, 089 and 156, 4250300006, 035, 039, 051 and 053, 4250600104, 4250700140, 4250800001, 004, 007, 008, 018 and 070, 4250900007, 018 and 019, 4251300005, 006, 007, 008, 009, 023, 025, 026, 030 and 113, 4270000021 and 022 and 4270100011.** Request rezoning to include properties in the Folly Road Overlay Zone.
Applicant: City of Charleston

SUBDIVISIONS

1. **Fairbanks Drive (Daniel Island) TMS# 2710000010 & 012** – 16.78 ac. 90 lots. Request subdivision concept plan approval. Zoned Daniel Island General Office (DI-GO).
Owner: Daniel Island Riverside Developers, LLC
Applicant: Lowcountry Land Development Consultants
2. **Central Park Cluster Development (Central Park Road – James Island) TMS# 3400300007** – 10.35 ac. 39 lots. Request subdivision concept plan approval. Zoned Single-Family Residential (SR-1).
Owner: Levi Grantham, LLC
Applicant: Seamon, Whiteside & Associates, Inc.

3. **Cainhoy Office & Retail Park (Clements Ferry Road – Cainhoy) TMS# 2620000008** – 31.52 ac. 16 lots. Request subdivision concept plan approval. Zoned Planned Unit Development (PUD).
Owner: Cainhoy Land & Timber, LLC
Applicant: Thomas & Hutton Engineering Co.
4. **CCSD West Ashley Campus (Sanders Road – West Ashley) TMS# 3060000011** – 126.17 ac. 3 lots. Request subdivision concept plan approval. Zoned Single-Family Residential (SR-1) and Diverse Residential (DR-6).
Owner: Charleston County School District
Applicant: ADC Engineering, Inc.
5. **Woodbury Park, Phases 3A & 3B (Hollydale Court – Johns Island) TMS# 3130000023 & 048** – 43.97 ac. 34 lots. Request subdivision concept plan approval. Zoned Single-Family Residential (SR-1).
Owner: Five Lakes, LLC
Applicant: HLA, Inc.

ZONINGS

1. **7 Riverdale Dr (West Ashley) TMS# 4181400077** – 0.26 ac. Request zoning of Single-Family Residential (SR-1). Zoned Single-Family Residential (R-4) in Charleston County.
Owner: Chris Straight and Jennifer Outlaw
2. **1320 N Edgewater Dr (West Ashley) TMS# 3491400011** – 0.66 ac. Request zoning of Single-Family Residential (SR-1). Zoned Single-Family Residential (R-4) in Charleston County.
Owner: John and Catherine Rama
3. **Grimball Rd (James Island) TMS# 3340700048** – 7.15 ac. Request zoning of Rural Residential (RR-1). Zoned Planned Development (PD) in Charleston County.
Owner: The Saint James Foundation

ORDINANCE AMENDMENTS

1. Request approval to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) **by creating the Folly Road Overlay Zone.**
2. Request approval to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) **by amending Section 54-110 to reflect the new regulations for short term rentals, amending the definitions for accommodations uses, bed and breakfast, and short term rental in Section 54-120, amending Section 54-202, Section 54-203 and the Table of Permitted Uses in Section 54-203 to reflect the new rules for short term rentals, amending the regulations for bed and breakfasts in Section 54-208 and Section 54-208.1 to rename these uses short term rentals and establish new regulations, amending the regulations for accommodations uses in Section 54-220 to add language regarding violations, amending Section 54-224 to reflect the new regulations for short term rentals, amending the regulations for Short Term Rental Overlay Zone in Section 54-227 to make these Class 4 Short Term Rentals and add language regarding violations, and amending Table 3.3: Off-street parking requirements under Section 54-317 to reflect the new rules for short term rentals.**
3. Request approval to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) **by amending off-street parking requirements for eating and drinking places and adding off-street parking requirements for catering uses in Table 3.3 of Section 54-317 and amending restrictions for off site parking in Section 54-319.**
4. Request approval to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) **by amending Subsection 4 of Section 54-808 to revise the review procedure for minor subdivisions.**

5. Request approval to amend Section 54-943(c) of the Code of the City of Charleston (Zoning Ordinance) **to modify the vote required of City Council in the event a matter is disapproved by the Planning Commission or when a petition in opposition to a matter signed by owners of twenty percent of the area of lots subject to the matter, or of those immediately adjacent on the sides and rear or directly opposite thereto is presented to Council to a majority of all members of the City Council.**

REPORT OF THE TECHNICAL REVIEW COMMITTEE

Over the past month, the following subdivision projects were submitted to the TRC for review and approval. The findings of the TRC shall be presented to the Planning Commission. Items approved by the TRC comply with all applicable regulations and standards of the City of Charleston.

Preliminary & Final Plats

1. **Hatchet Bay Drive Extension (West Ashley) TMS# 3070000007** – 0.5 ac. R/W. PUD. Final subdivision plat pending approval.
2. **Parcel R-9 (Pier View Street – Daniel Island) TMS# 2750000114** – 30.6 ac. 2 lots. DI-TC. Final subdivision plat pending approval.
3. **Parcel FF, Phase 2 (Rhoden's Island Drive – Daniel Island) TMS# 2750000092** – 26.0 ac. 28 lots. DI-RI. Preliminary subdivision plat pending approval.
4. **8 ½ State Street (Peninsula) TMS# 4580903026** – 0.04 ac. 2 lots. LB. Preliminary subdivision plat pending approval.
5. **Avenue of Oaks (5th Avenue – West Ashley) TMS# 4180600028 & 115** – 10.5 ac. 41 lots. SR-1. Preliminary subdivision plat pending approval.
6. **Parcel FF, Phase 1 (Rhoden's Island Drive – Daniel Island) TMS# 2750000092** – 26.6 ac. 38 lots. DI-RI. Final subdivision plat pending approval.
7. **Stonoview, Phase 3 (River Road – Johns Island) TMS# 3150000120** – 19.0 ac. 45 lots. PUD. Final subdivision plat recorded.
8. **1715 West Avalon Circle (West Ashley) TMS# 3521300116** – 0.5 ac. 4 lots. STR. Preliminary subdivision plat pending approval.
9. **Greenway Preserve (Mutual Drive – West Ashley) TMS# 3100600106** – 5.2 ac. 18 lots. SR-6. Preliminary subdivision plat under review.
10. **107 Brigade Street (Peninsula) TMS# 4640000003** – 8.4 ac. 4 lots. MU-2/WH. Final subdivision plat recorded.
11. **Grimball Farm Lane (James Island) TMS# 3340000027** – 1.9 ac. 2 lots. RR-1. Preliminary subdivision plat pending approval.
12. **Parkline Avenue Extension (Daniel Island) TMS# 2750000092** – 22.1 ac. 3 lots. DI-BP. Preliminary subdivision plat pending approval.
13. **Oakfield, Phase 2 (Cane Slash Road – Johns Island) TMS# 2780000127** – 37.6 ac. 93 lots. PUD. Preliminary subdivision plat pending approval.
14. **Goldberg Tract (River Road – Johns Island) TMS# 3120000064** – 26.4 ac. 2 lots. C & RR-1. Final subdivision plat pending approval.
15. **Oak Bluff, Phase 1B (Oak Bluff Avenue – Cainhoy) TMS# 2690000043** – 4.7 ac. 19 lots. SR-1. Final subdivision plat pending approval.
16. **Nabors Drive (James Island) TMS# 4281600013** – 6.6 ac. 2 lots. DR-9. Preliminary subdivision plat pending approval. Final subdivision plat pending approval.
17. **Grand Terrace at Grand Oaks (Proximity Drive – West Ashley) TMS# 3010000692** – 36.3 ac. 85 lots. PUD. Final subdivision plat pending approval.
18. **The Village at Stiles Point, Phase 2 (Old Plantation Road – James Island) TMS# 4260000003** – 12.2 ac. 40 lots. SR-1. Final subdivision plat pending approval.
19. **The Pointe at Rhodes Crossing, Phase 1 (Sanders Road – West Ashley) TMS# 2860000444** – 84.1 ac. 60 lots. SR-6. Final subdivision plat pending approval.
20. **Essex Farms Single Family (Essex Farms Drive – West Ashley) TMS# 3090000472** – 2.6 ac. 9 lots. LB. Final subdivision plat pending approval.

- 21. Riverland Drive (James Island) TMS# 3400000029** – 1.9 ac. 2 lots. SR-1. Final subdivision plat pending approval.
- 22. The Villages in Saint Johns Woods (Saint Johns Woods Parkway – Johns Island) TMS# 2790000143** – 22.8 ac. 68 lots. PUD. Final subdivision plat pending approval.
- 23. Rivers Point Row Townhomes (James Island) TMS# 4250700179** – 1.3 ac. 16 lots. GB. Final subdivision plat recorded.

Road Construction Plans

- 1. Parcel FF, Phase 2 (Rhoden's Island Drive – Daniel Island) TMS# 2750000092** – 26.0 ac. 28 lots. DI-RI. Road construction plans under review.
- 2. Avenue of Oaks (5th Avenue – West Ashley) TMS# 4180600028 & 115** – 10.5 ac. 41 lots. SR-1. Road construction pending approval.
- 3. Johnston Point, Phase 2 (Murray Wood Road – Johns Island) TMS# 3120000023 & 024** – 14.0 ac. 50 lots. SR-1. Road construction plans pending approval.
- 4. Stonoview, Phase 4 (River Road – Johns Island) TMS# 3450000073 & 163** – 89.7 ac. 171 lots. PUD. Road construction plans pending approval.
- 5. Pine Log Lane Cluster (Johns Island) TMS# 3120000008 & 009** – 29.9 ac. 73 lots. RR-1 & SR-1. Road construction plans under review.
- 6. Parkline Avenue Extension (Daniel Island) TMS# 2750000092** – 22.1 ac. 3 lots. DI-BP. Road construction plans under review.
- 7. Oakfield, Phase 2 (Cane Slash Road – Johns Island) TMS# 2780000127** – 37.6 ac. 93 lots. PUD. Road construction plans under review.

APPROVAL OF MINUTES

Approval of minutes from previous meetings.

Individuals with questions concerning the above items should contact the Department of Planning, Preservation and Sustainability at (843) 724-3765. Files containing information pertinent to the above applications are available for public review at the City of Charleston Zoning Office, 2 George St, Third Floor, during regular working hours, 8:30 a.m. to 5:00 p.m., daily except Saturdays, Sundays, and holidays. Additional information on these cases may also be obtained by visiting www.charleston-sc.gov/pc. In accordance with the Americans with Disabilities Act, people who need alternative formats, ASL (American Sign Language) Interpretation or other accommodation please contact Janet Schumacher at (843) 577-1389 or email to schumacherj@charleston-sc.gov three business days prior to the meeting.

CITY OF CHARLESTON PLANNING COMMISSION

October 18, 2017

Rezoning 3 :

Clements Ferry Road at I-526 (Cainhoy)

BACKGROUND

The applicants are requesting rezoning from Gathering Place (GP) to General Business (GB) for four properties located at Clements Ferry Road and Interstate 526 on the Cainhoy Peninsula. Access to the properties is via Forrest Drive. Surrounding zonings include GB, GP, Planned Unit Development (PUD) and Conservation (on the marsh areas). All surrounding properties are currently vacant. The subject properties, consisting of roughly 30 highland acres and 37 marsh acres) are undeveloped.

CENTURY V CITY PLAN RECOMMENDATIONS

The **Century V Plan** encourages appropriate infill development within already urbanized areas. Prior to the 2010 update of the Century V Plan, the area in which the subject properties are located was designated as Gathering Place. The Gathering Place designation indicated places appropriate for mixed-use infill development with urban street patterns and building design. The updated Century V Plan map indicates the subject properties are within an area designated as **Job Center**. The Job Center District primarily has light manufacturing, warehousing, office and other commercial uses. Given the plan's recommendation, GB zoning is appropriate for this location.

STAFF RECOMMENDATION

APPROVAL

Rezoning 3

Clements Ferry Road at I-526 (Cainhoy)

TMS# 2710002024, 025, 026 & 069

approximately 67.98 ac.

Request rezoning from Gathering Place (GP)
to General Business (GB).

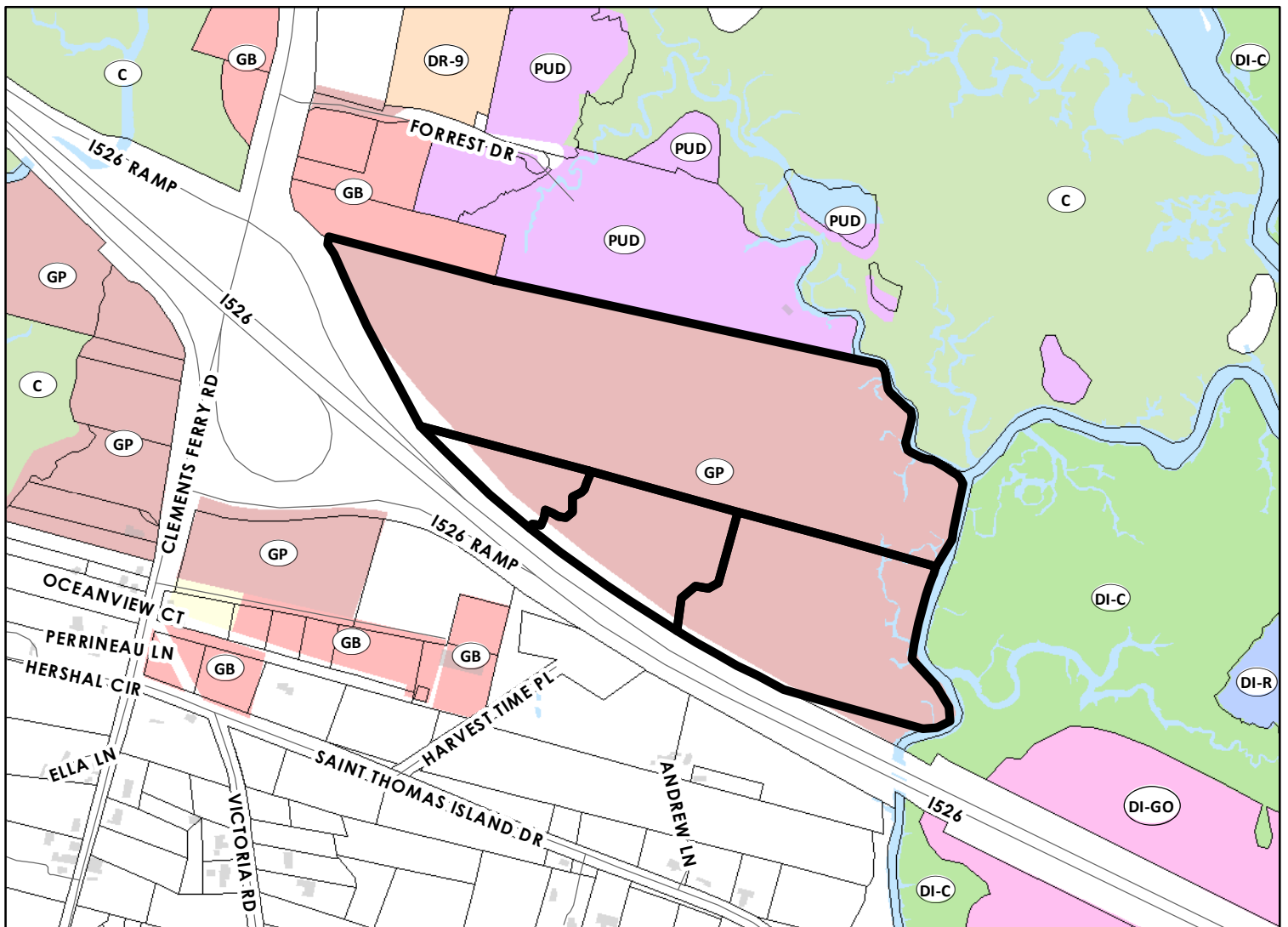
Owner/Applicant:

Hotel Holdings, LLC; SCT Properties LLC; Joka III LLC

Area



Location



CITY OF CHARLESTON PLANNING COMMISSION

October 18, 2017

Rezoning 4 :

Properties on Folly Road (James Island)

BACKGROUND

On August 15, 2017, the City of Charleston Council enacted a moratorium on certain development activity on James Island. This ordinance prohibits the processing of development applications/permits for certain types of development on commercially zoned properties located on James Island until November 6, 2017. It was intended to allow the City time to assess and make recommendations regarding the zoning of commercial properties and land use on James Island to assure an appropriate balance.

Even before the moratorium was finalized, the City has been working with Charleston County and the Town of James Island to draft similar zoning overlay ordinances to address development in the Folly Road corridor. The attached ordinance language is the version proposed for City of Charleston areas of the corridor and it closely parallels ordinances from other jurisdictions.

The subject properties are either fronting directly on Folly Road or very near to it. All of the commercially zoned properties in the City's municipal boundaries were selected to be included in this proposed rezoning. Folly Road contains a wide variety of uses ranging from single-family homes to contractors, offices, bars, restaurants, big box stores and large shopping centers. Creating the overlay may bring some consistency of design and intensity of use to all of Folly Road given the differing zoning codes of the multiples governing jurisdictions.

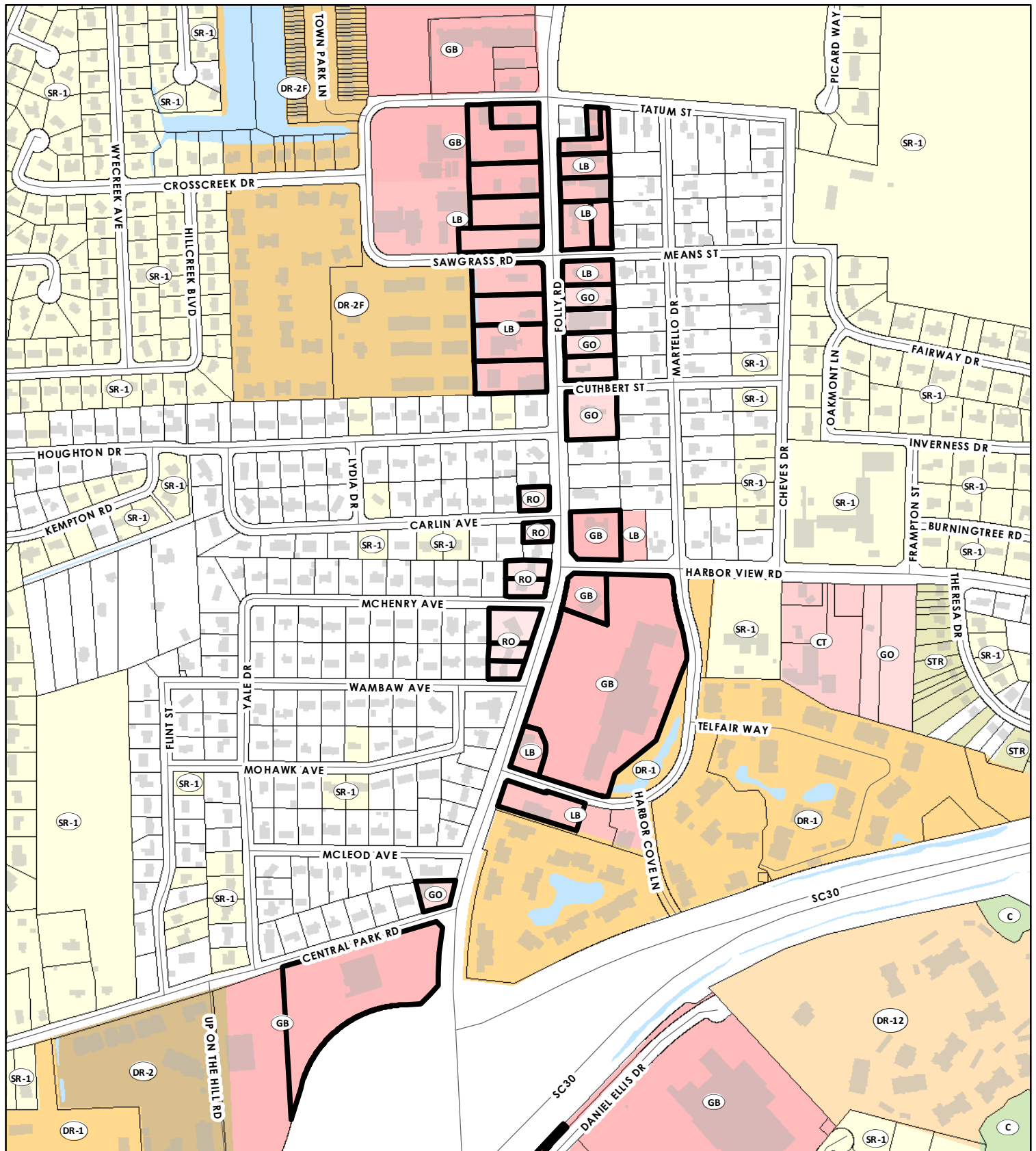
CENTURY V CITY PLAN RECOMMENDATIONS

The **Century V Plan** recommends maintaining the character of established areas in the City when considering the rezoning of property. The subject properties are designated in the Century V Plan as **various** land use which ranging from low-density residential to more intense mixed-use or commercial uses. Given the existing context, the proposed GO zoning is appropriate for this site.

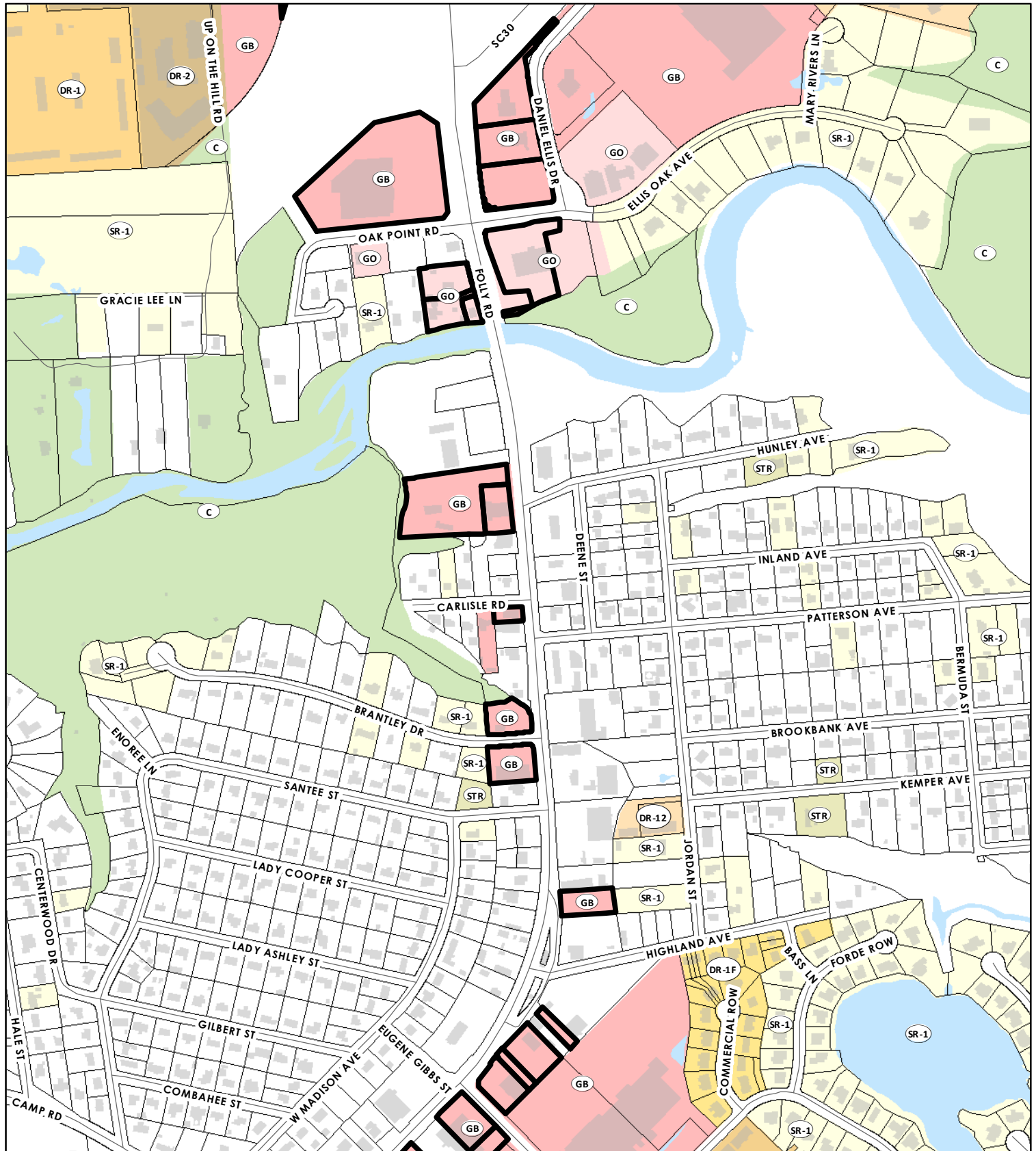
STAFF RECOMMENDATION

APPROVAL

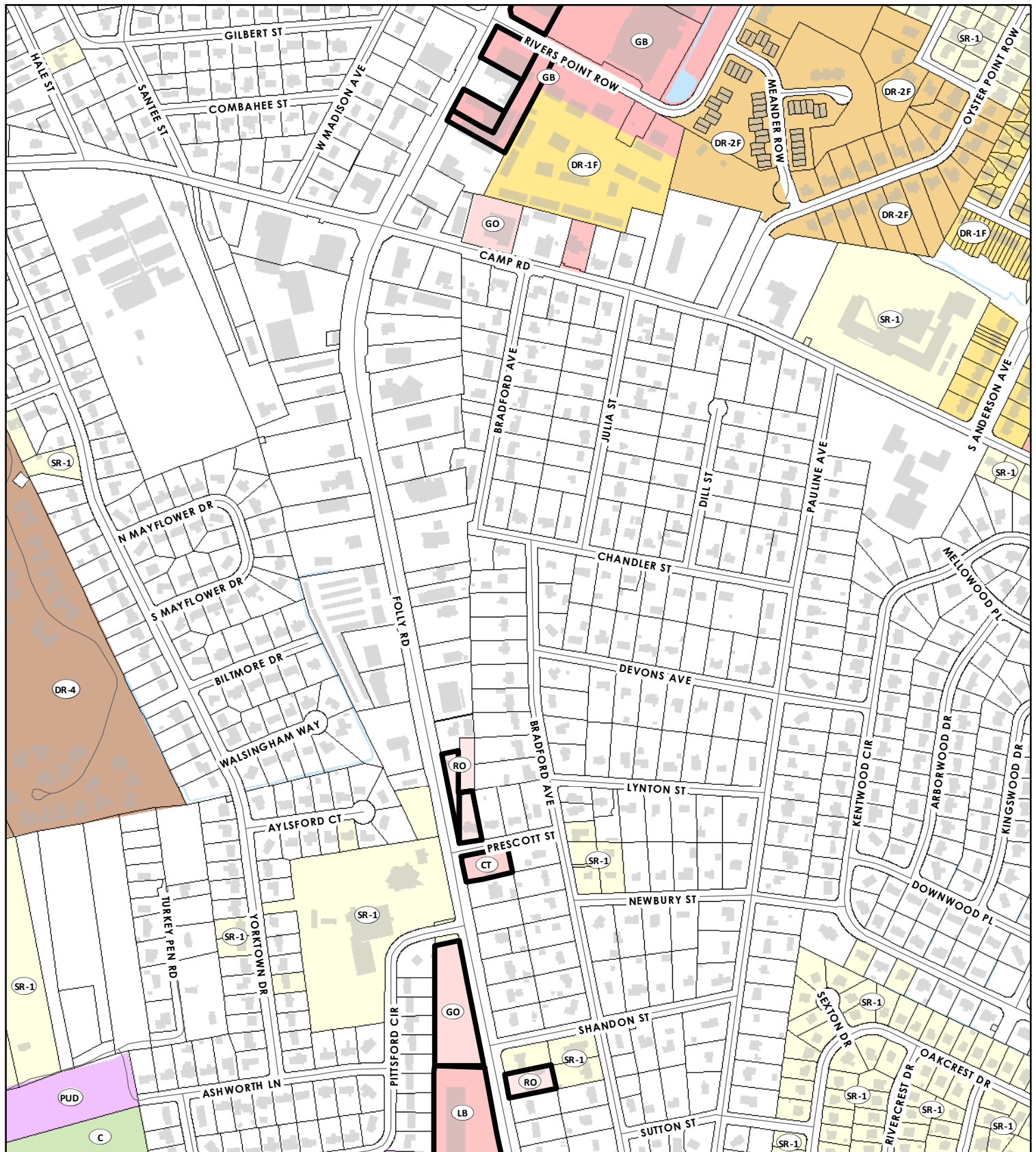
Rezoning 4 - Folly Road Overlay



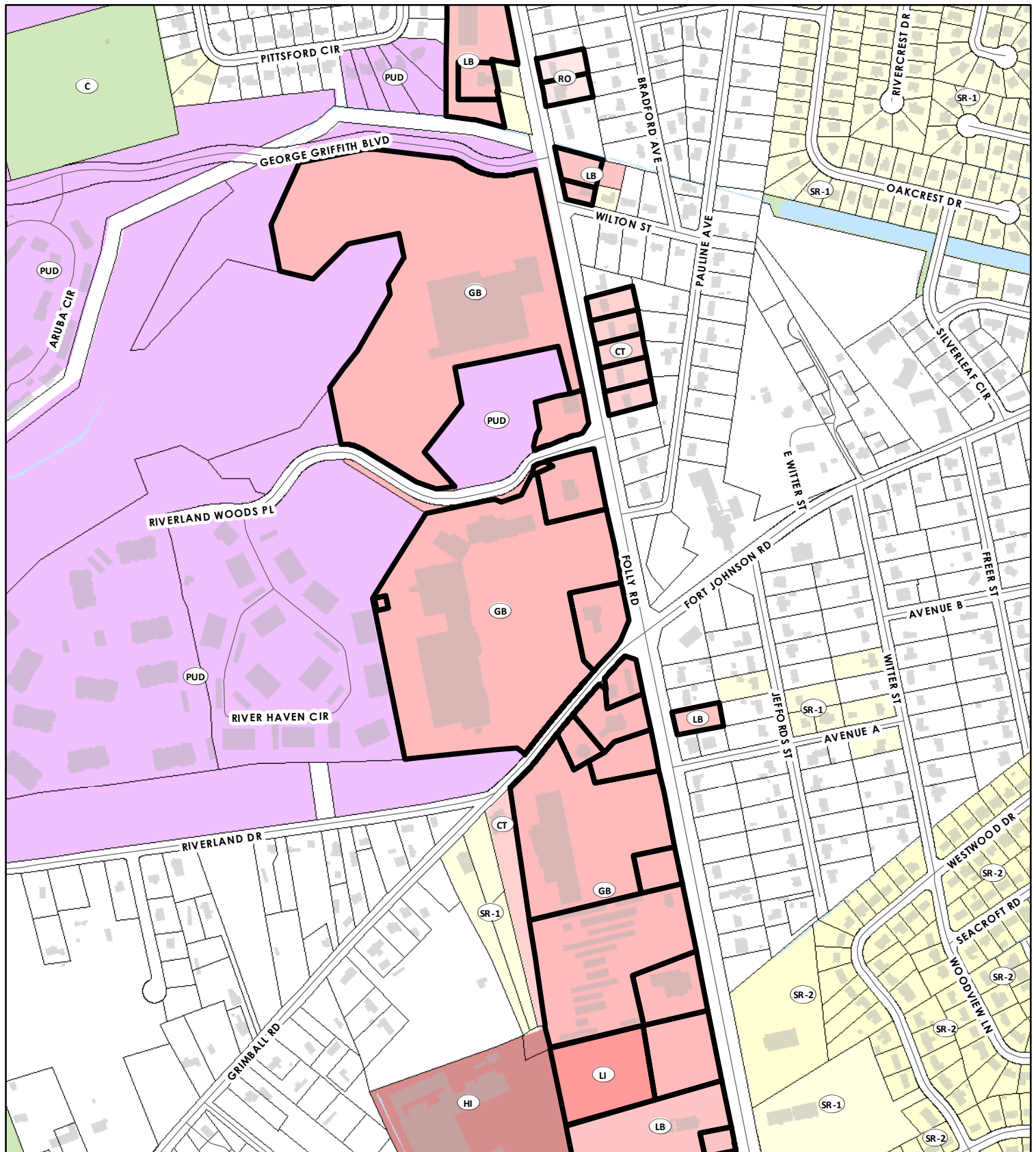
Rezoning 4 - Folly Road Overlay



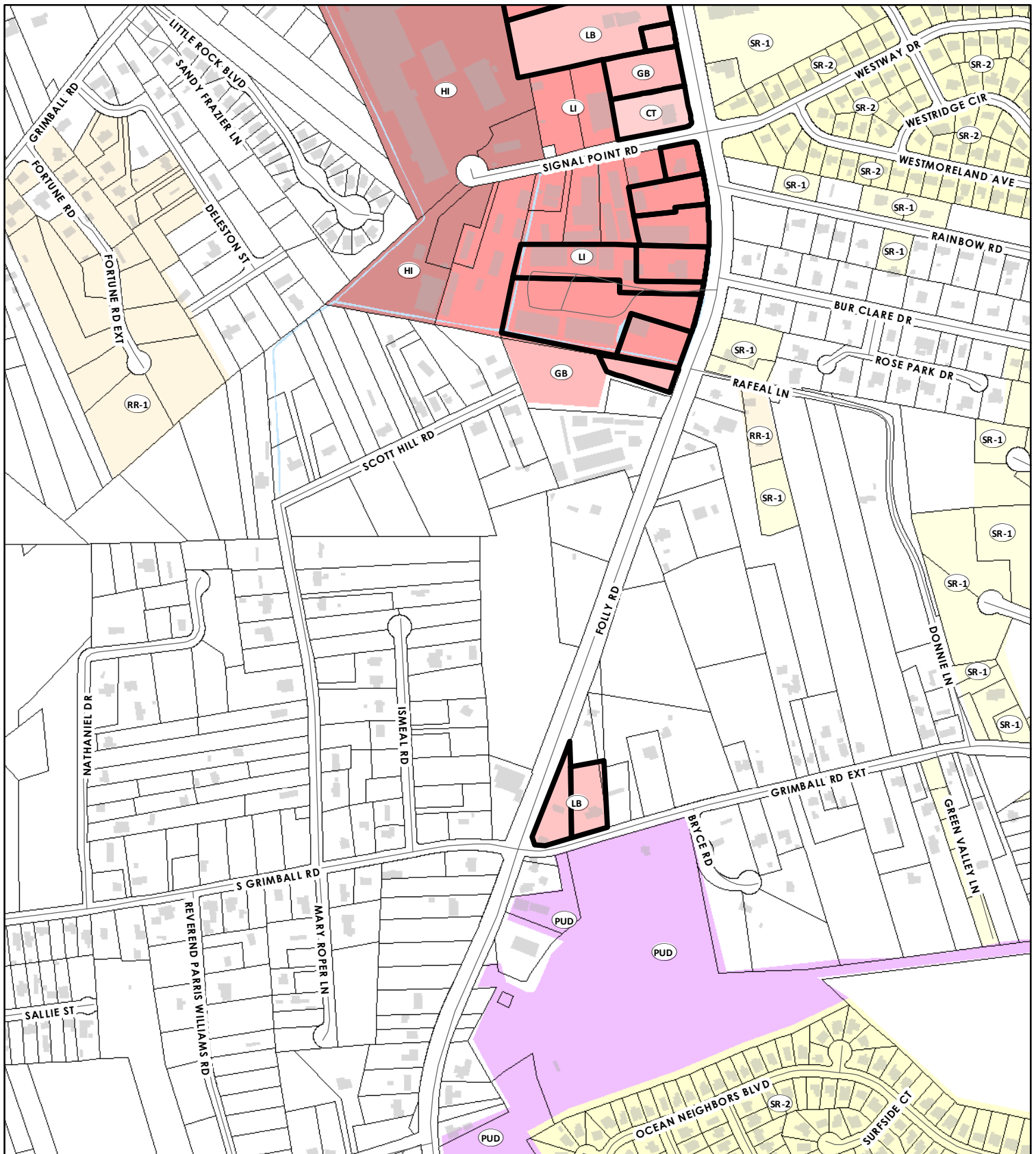
Rezoning 4 - Folly Road Overlay



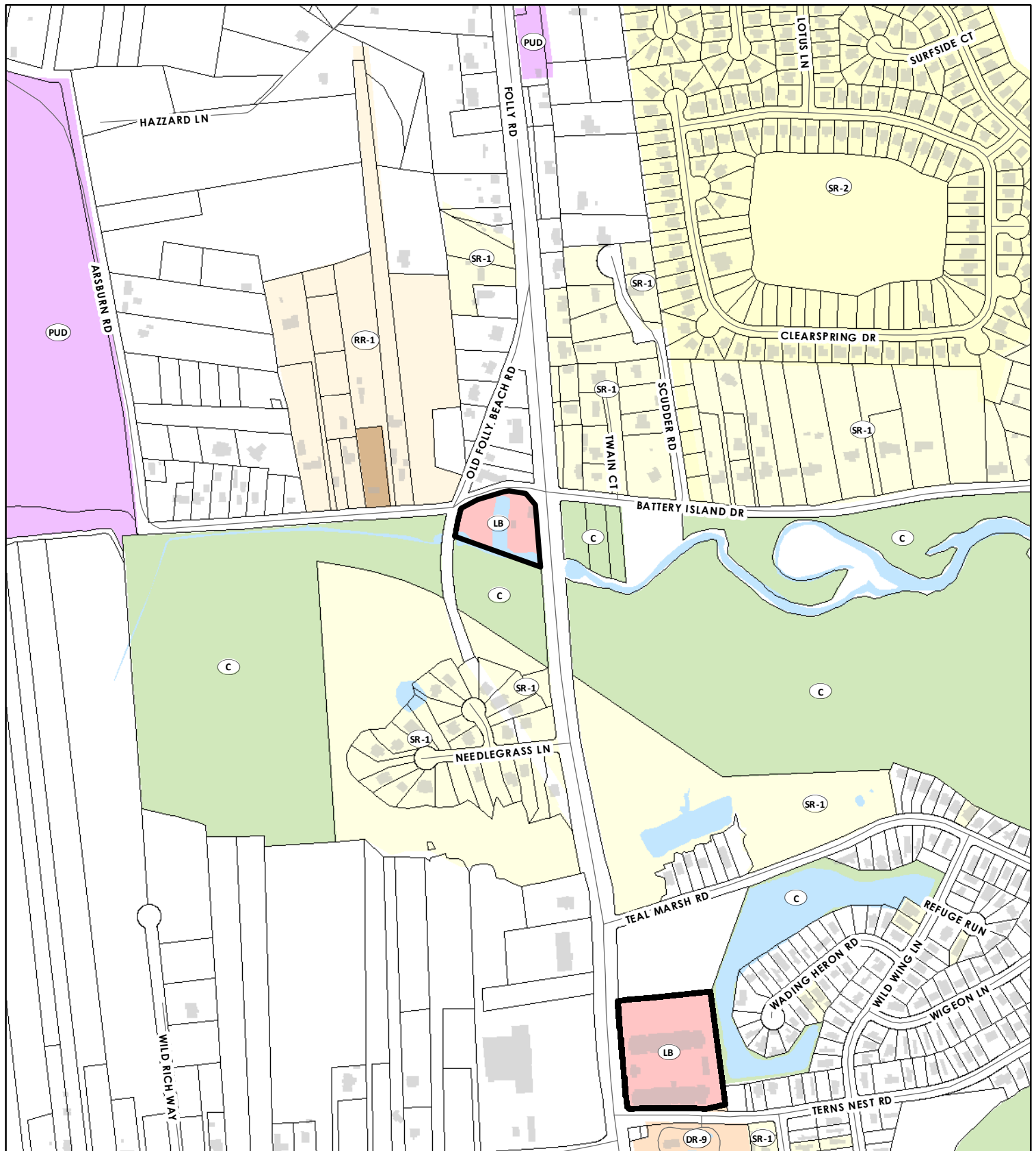
Rezoning 4 - Folly Road Overlay



Rezoning 4 - Folly Road Overlay



Rezoning 4 - Folly Road Overlay



**CITY OF CHARLESTON
PLANNING COMMISSION**

October 18, 2017

Subdivision 4:

**CCSD West Ashley Campus
(Sanders Road – West Ashley)**

BACKGROUND

The applicant is requesting subdivision concept plan approval for 126.17 acres between Sanders Road and West Wildcat Boulevard in West Ashley, at the site of the existing West Ashley High School. This project consists of a right-of-way connection between Sanders Road and West Wildcat Boulevard that will serve proposed additions to the campus, including a new middle school and a new Charleston County Public Library branch. There is no critical area on or adjacent to this site. There are jurisdictional wetlands on the site, which are not proposed to be impacted. There are grand trees on the site, impacts to which have received approval by BZA-SD. The City's Technical Review Committee (TRC) has reviewed the conceptual subdivision for compliance with City standards.

The property is zoned Single-Family Residential (SR-1) and Diverse Residential (DR-6) and is in the School Overlay Zone (S). The surrounding existing uses include primarily residential and commercial uses.

STAFF RECOMMENDATION

APPROVAL

Subdivision 4

CCSD West Ashley Campus
(Sanders Road – West Ashley)

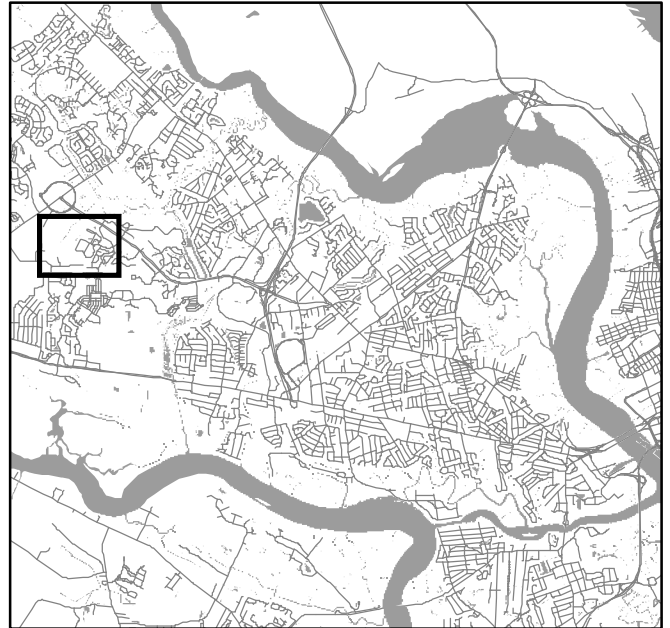
TMS# 3060000011

126.17 ac.

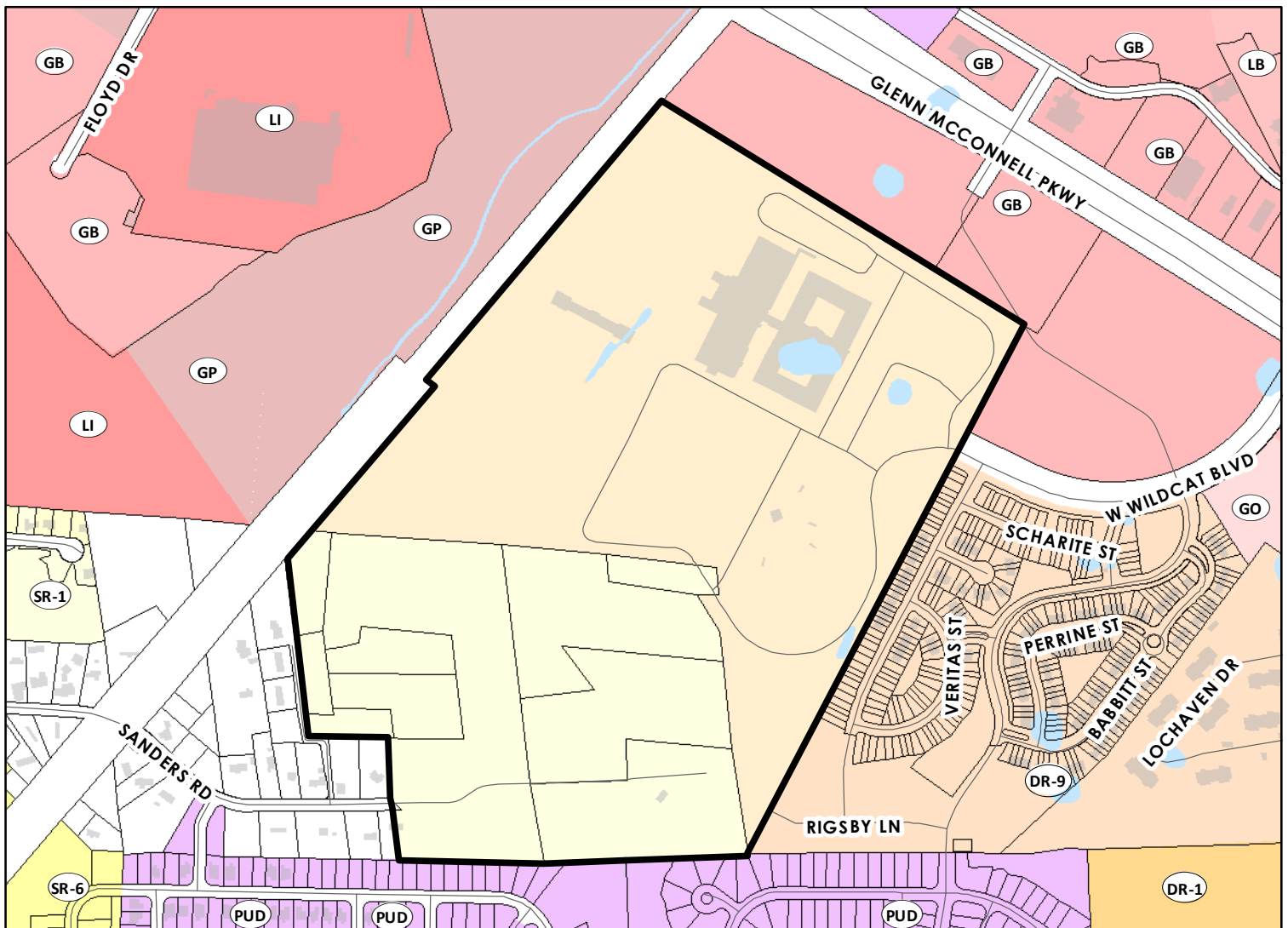
3 lots. Request subdivision concept plan approval.
Zoned Single-Family Residential (SR-1)
and Diverse Residential (DR-6).

Owner: Charleston County School District
Applicant: ADC Engineering, Inc

Area



Location



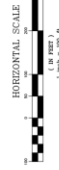
CIVIL LEGEND - SITE

3. THE PURPOSE OF THIS SUBDIVISION IS TO PROVIDE A NEW CITY OF CHILBESTON RIGHT-OF-WAY AND ROAD FROM THE END OF EXISTING SANDERS ROAD, TO EXISTING WEST WILDCAT BOULEVARD. THIS ROADWAY WILL PROVIDE ACCESS TO EXISTING WEST ASHLEY HIGH SCHOOL, NEW C.E. WILLIAMS MODEL SCHOOL, NEW CENTER FOR ADVANCED STUDIES, AND NEW WEST ASHLEY BRANCH LIBRARY. COMPLIES WITH CENTURY V COMPREHENSIVE PLAN BY INTERCONNECTING ROADWAYS, PEDESTRIAN ROUTES, ETC.

HIGHWAY/DRIVEWAY TRAFFIC ARROW

1. SEE SHEET 001 FOR CIVIL NOTES AND ABERRATIONS.
2. CONTRACTOR IS RESPONSIBLE FOR ALL WORK SHOWN, UNLESS SPECIFICALLY NOTED OTHERWISE.
3. CONTRACTOR SHALL VISIT THE SITE PRIOR TO BEING TO BEGIN THE WORK OF THIS PROJECT.
4. ALL PROJECT STAKEOUT SHALL BE PERFORMED BY A REGISTERED SURVEYOR. STAKEOUT SHALL NOT RELY SOLELY ON THE PHYSICAL SCALE AS SHOWN IN DRAWINGS. REFER TO THE GIVEN DIMENSIONS, SYMBOLS, DIMENSION LINES, DIMENSIONAL NOTES, AND REFERENCED DETAILS FOR CORRECT STAKEOUT.
5. ALL CONTRACTORS/SUBCONTRACTORS PERSONNEL WILL BE ENGAGED IN LAND DISTURBING ACTIVITIES SHALL COMPLY WITH ALL EROSION CONTROL, AND STORMWATER POLLUTION PREVENTION MEASURES. SEE SHEET 001 THROUGHOUT THE DRAWING FOR SPECIFICATIONS AND PERMITS.

ACREAGE SUMMARY			
	GROSS ACREAGE	WETLANDS ACREAGE	NET ACREAGE
TRACT 1	311.2	303.26	300.94
TRACT 2	4.36	0.28	4.08
TRACT 3	4.48	0	4.48
TRACT 4	5.7	1.72	3.98
NEW ROW	4.79	0	4.79



811

CONTRACTORS SHALL CONTACT 811 (1-888-721-1237) FOR LOCATIONS OF ALL UTILITIES AT LEAST 72 HOURS PRIOR TO BEGINNING CONSTRUCTION.

**Know what's below.
Call before you dig.**

CITY OF CHARLESTON PLANNING COMMISSION

October 18, 2017

Zonings 1 & 2 :

Recently Annexed Properties in West Ashley

BACKGROUND

The following zoning items are located in the West Ashley area of the City and were recently annexed. The zoning districts recommended in the City closely match the zonings assigned to the properties in Charleston County or they are compatible with the context of the existing development or lot sizes in the surrounding neighborhood.

<u>Zoning Item</u>	<u>Property Address</u>	<u>Acres</u>	<u>Land Use</u>	<u>Previous Zoning</u>	<u>Recommended Zoning</u>
1.	7 Riverdale Dr	0.26	Single-Family Residential	R-4	SR-I
2.	1320 N Edgewater Dr	0.66	Single-Family Residential	R-4	SR-I

CENTURY V CITY PLAN RECOMMENDATIONS

The **Century V Plan** recommends maintaining the character of established areas in the City when considering the zoning of property. The subject properties are designated in the Century V Plan as **Suburban** and **Suburban Edge** which are predominately residential with varying, but lower densities. Given the existing pattern of development in the surrounding area the proposed zonings are appropriate for these sites.

STAFF RECOMMENDATION

APPROVAL

Zoning 1

7 Riverdale Dr (West Ashley)

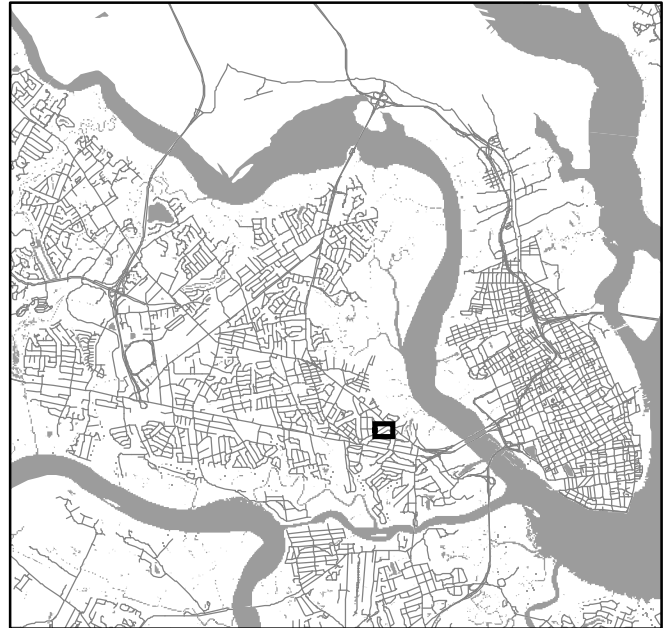
TMS# 4181400077

0.26 ac.

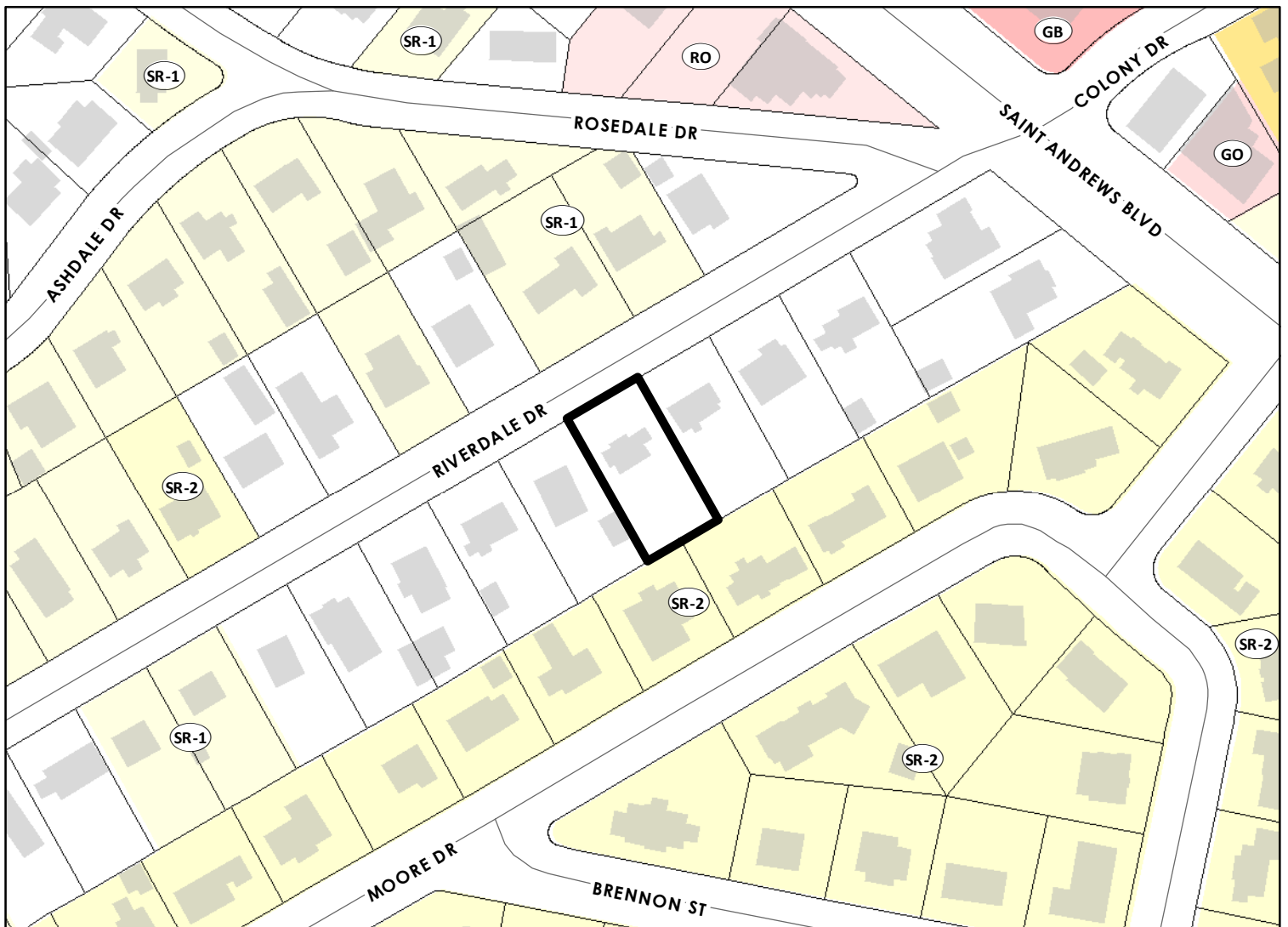
Request zoning of Single-Family Residential (SR-1).
Zoned Single-Family Residential (R-4)
in Charleston County.

Owner: Chris Straight and Jennifer Outlaw

Area



Location



Zoning 2

1320 N Edgewater Dr (West Ashley)

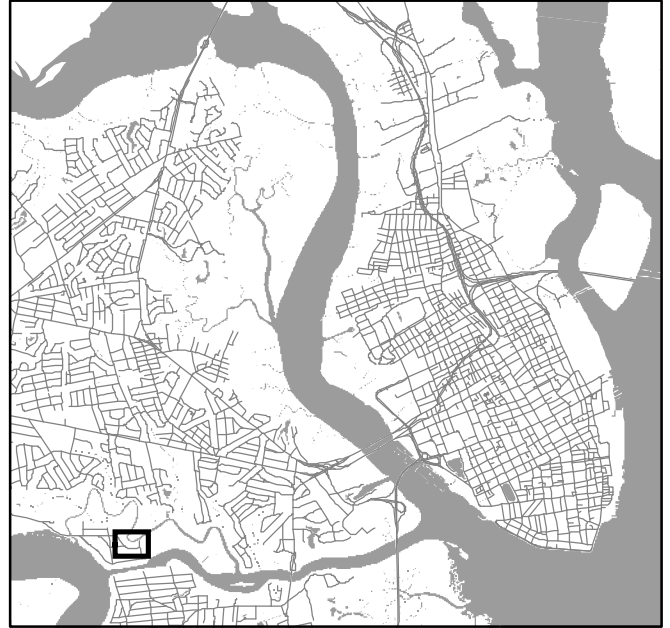
TMS# 3491400011

0.66 ac.

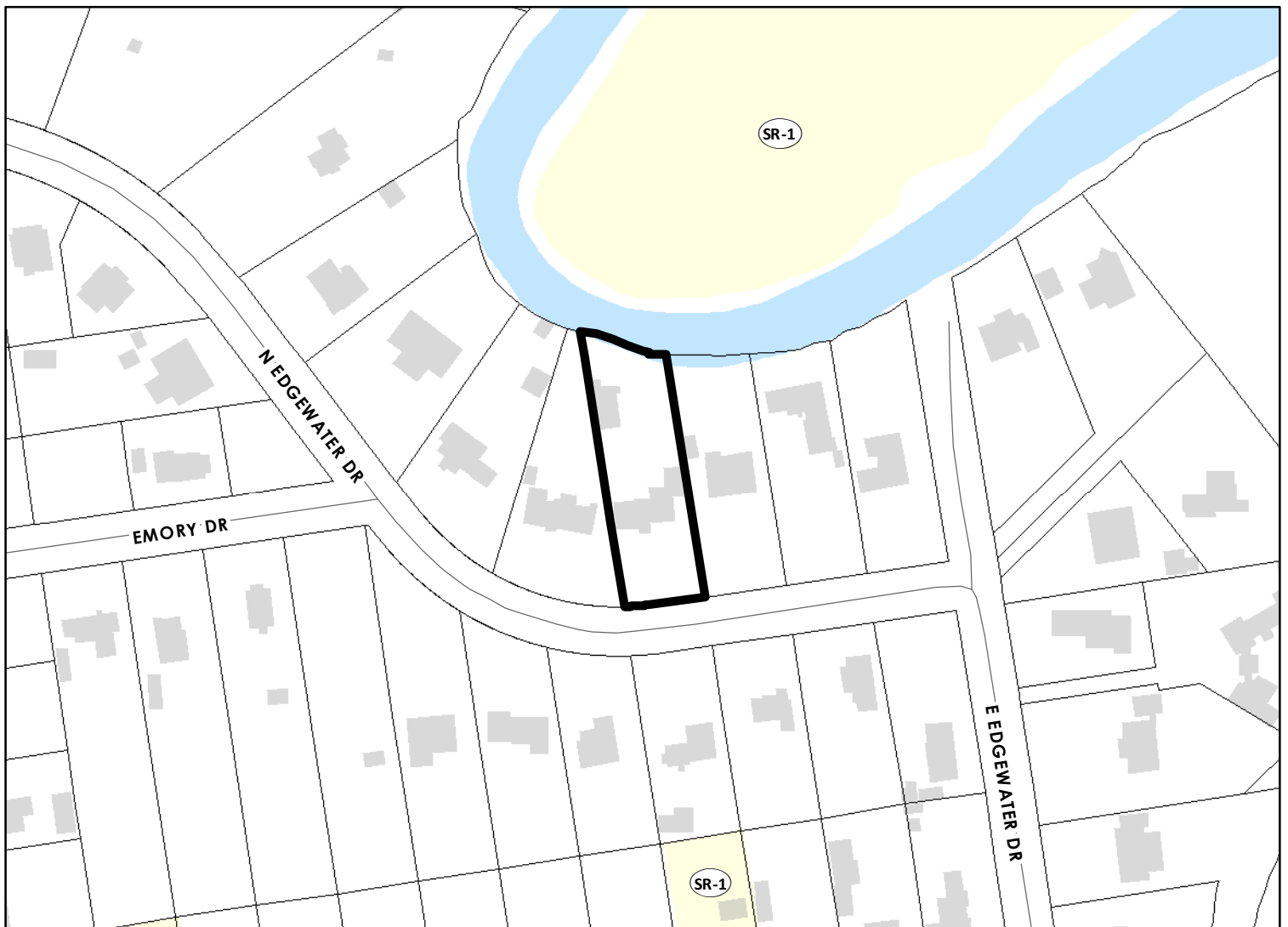
Request zoning of Single-Family Residential (SR-1).
Zoned Single-Family Residential (R-4)
in Charleston County.

Owner: John and Catherine Rama

Area



Location



CITY OF CHARLESTON PLANNING COMMISSION

October 18, 2017

Zoning 3 :

Grimball Rd (James Island)

BACKGROUND

The subject property is pending annexation into the City of Charleston and the property owner is requesting a zoning of Rural Residential (RR-1). The property is zoned Planned Development (PD) in Charleston County. Surrounding zonings include RR-1 and Planned Unit Development (Grimball Farms PUD) in the City and Special Management District (S-3) in Charleston County. The property is surrounded by vacant land, single-family homes, cemeteries, James Island Elementary School, and farm fields.

The current PD zoning on the subject property in Charleston County allows a cultural center to be built on this site. The property owners, members of The Saint James Foundation, have indicated the PD zoning in the County is currently not applicable to their plans are not requesting a similar zoning in the City. There are no current plans for development of this site.

CENTURY V CITY PLAN RECOMMENDATIONS

The **Century V Plan** recommends maintaining the character of established areas in the City when considering the zoning of property. The subject property is located outside the City's Urban Growth Boundary and is delineated as being in the **Rural** district in the Century V Plan which is characterized by low-density residential and low-intensity agricultural uses typically found in rural areas. Given the existing context, the proposed RR-1 zoning is appropriate for this site.

STAFF RECOMMENDATION

APPROVAL

Zoning 3

Grimball Rd (James Island)

TMS# 3340700048

7.15 ac.

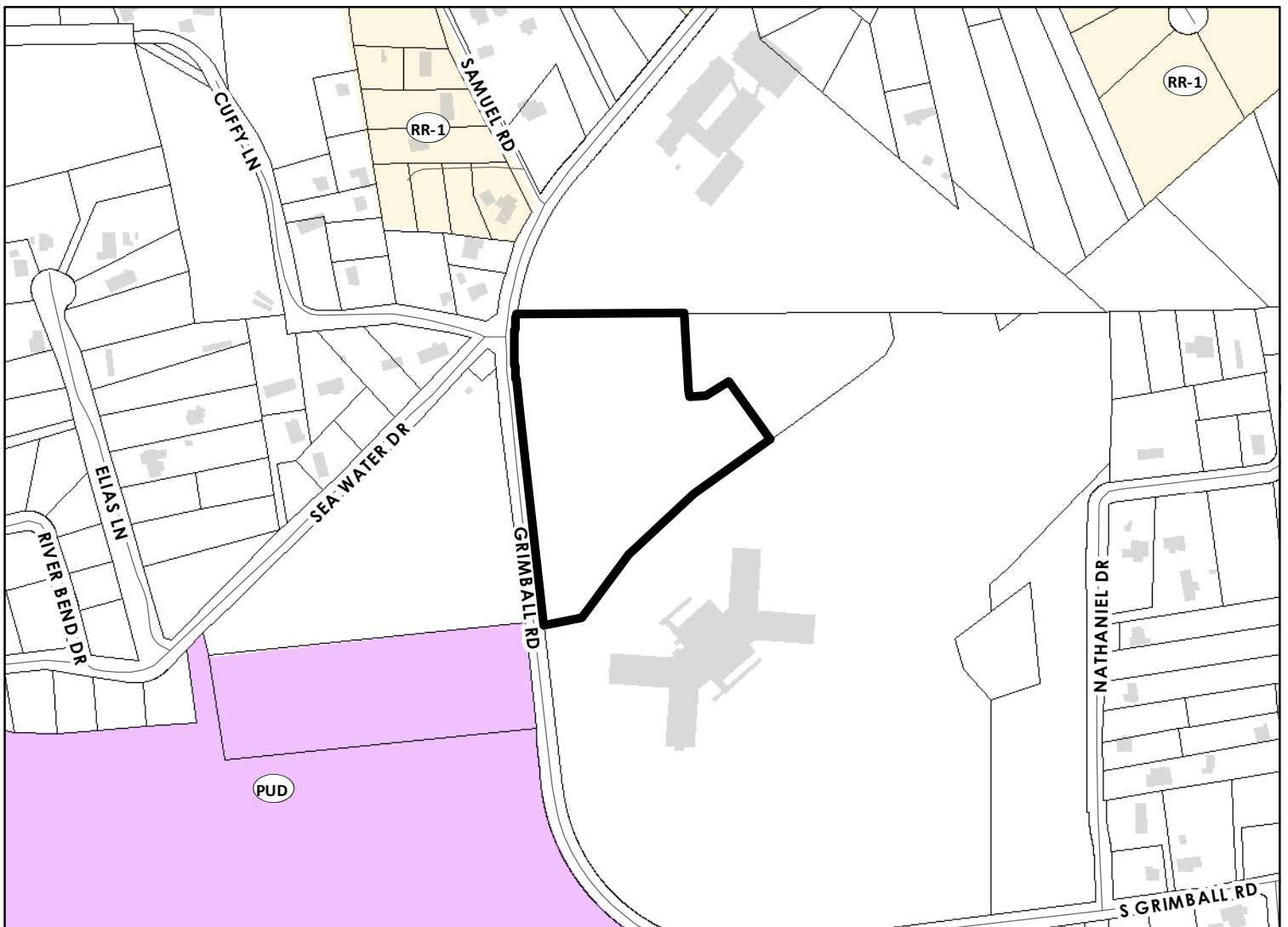
**Request zoning of Rural Residential (RR-1).
Zoned Planned Development (PD)
in Charleston County.**

Owner: The Saint James Foundation

Area



Location



**CITY OF CHARLESTON
PLANNING COMMISSION**

October 18, 2017

Ordinance Amendment 1 :

Request approval to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by creating the Folly Road Overlay Zone.

BACKGROUND

Note: This item was deferred by Planning Commission at the September 20, 2017 meeting.

On August 15, 2017, the City of Charleston Council enacted a moratorium on certain development activity on James Island. This ordinance prohibits the processing of development applications/permits for certain types of development on commercially zoned properties located on James Island until November 6, 2017. It was intended to allow the City time to assess and make recommendations regarding the zoning of commercial properties and land use on James Island to assure an appropriate balance.

Even before the moratorium was finalized, the City has been working with Charleston County and the Town of James Island to draft similar zoning overlay ordinances to address development in the Folly Road corridor. The attached ordinance language is the version proposed for City of Charleston areas of the corridor and it closely parallels ordinances from other jurisdictions.

STAFF RECOMMENDATION

APPROVAL

AN ORDINANCE

TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) BY CREATING THE FOLLY ROAD OVERLAY ZONE

BE IT ORDAINED BY THE MAYOR AND COUNCIL MEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. Article 2, Part 5 of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by inserting, in numerical order, the following new sections:

Sec. 54-229.4. Folly Road, FR, Overlay Zone.

a. Intent. The Folly Road, FR, overlay zone fronts on the east and west sides of Folly Road from its intersection with Tatum Road south to the Folly River and includes only those parcels with a commercial base zoning designation. Folly Road is the main thoroughfare on James Island and the only route leading to Folly Beach. As such, it carries a large number of vehicles each day. Moreover, some of the properties along Folly Road are located within the jurisdictional limits of the Town of James Island, the City of Folly Beach, the City of Charleston, and unincorporated Charleston County. The intent of the FR overlay zone is to implement traffic safety measures, to improve the visual character of the corridor, and to create consistency between the Town of James Island, the City of Folly Beach, the City of Charleston, and unincorporated Charleston County concerning land use and design standards.

b. Generally.

1. Development regulations for all areas of the FR overlay zone.

The following development regulations apply to all parcels within FR overlay zone in addition to the requirements described below for each of the five sub-areas. All non-single family detached development applications shall, at the time application is made, provide proof that the following requirements will be met prior to the issuance of any approvals:

(a) Vehicle Access

(1)) All parcels in this overlay zoning district with a base zoning of RO (Residential Office) shall be allowed one curb cut per 150 feet of road frontage; all other parcels with a commercial base zoning shall be allowed one curb cut every 250 feet.

(2) Proposed new access drives shall be a minimum distance of 75 feet from a street intersection measured from the edge of the intersecting roadway to the beginning of the driveway radius. These minimum spacing requirements shall be increased if a right-turn deceleration lane is required and shall equal the length of the turn lane and taper plus an additional distance of 50 feet.

(3) All applications for development of non-residential uses shall include a

suitable access management plan demonstrating that the driveway separation requirements can be met. The following techniques may be employed to achieve this result, but the burden of accomplishing the desired effect remains with the developer of the property:

- a. Aggregation of parcel;
- b. Parallel frontage or “backage” roads;
- c. Shared curb cuts between adjoining properties; and
- d. Shared access easements between parcels.

(b) Pedestrian access. Paved pedestrian ways shall be included in site design and shall provide a continuous link to adjacent parcels, as well as within the development area. Grade-separated pedestrian walkways must provide a direct connection from the street to the main entrance, and to abutting properties. Pedestrian walkways must be designed and located in a manner that does not require pedestrians to walk through parking lots or cross driveways and sidewalks may be allowed in right-of-way-buffers.

(c) Building height. The height of buildings shall not exceed a maximum of 2.5 stories or 35 feet, whichever is less, measured from the highest curb elevation of Folly Road adjacent to the site.

(d) Residential density. Parcels with a base zoning of CT, LB, GB and LI within the Folly Road Overlay shall be limited to a maximum of eight dwelling units per acre of high ground. A maximum of 12 dwelling units per acre of high ground shall be permitted if workforce housing requirements contained in Article 2, Part 15, of this chapter are met. All parcels developed with residential uses shall include commercial uses so that the square footage of conditioned, commercial floor space equals a minimum of 10 percent of the total square footage of conditioned floor space on the parcel. Residential developments that provide workforce housing are exempt from the 10 percent commercial use requirement.

(e) Uses. Permitted uses and prohibited uses are described in each of the five sub-areas below. Gun shops shall be permitted only on parcels in this overlay zoning district with a base zoning of General Business (GB).

2. Coordination with Adjacent Jurisdictions

A letter of notification to the Town of James Island, Charleston County, and/or City of Folly Beach shall be required as part of all land development applications, dependent upon overlay zoning district area. The purpose of the notification is to ensure that each jurisdiction is aware of proposed development.

Sec. 54-229.5. FR Overlay Zone, North Village Sub-Area.

The North Village sub-area extends from Crosscreek/Tatum Street to Oakpoint Road (Ellis Creek area). This area currently consists of mixed medium and low intensity commercial uses such as shopping centers, professional offices, and vehicle services. Higher intensity residential

uses, such as apartment complexes, also exist in this Area. The following regulations apply in addition to the requirements of Section 54-229.4, b:

a. Permitted uses. Permitted uses on a parcel shall include uses allowed in the base zoning district of that parcel as modified by Section 54-229.4, b, except that motor vehicle dealers (new and used) shall be prohibited.

b. Prohibited uses. Motor vehicle dealers (new and used) shall be prohibited.

c. Buffers.

1. A minimum 25-foot vegetated right-of-way buffer shall be required for parcels along Folly Road with a base zoning of GB, LB, CT or GO;
2. A minimum 15-foot vegetated right of way buffer shall be required for parcels along Folly Road with a base zoning of RO;
3. Parcels with a base zoning of GB, LB, CT or GO shall be required to have a minimum 20-foot rear vegetated buffer adjacent to residentially zoned parcels;
4. Parcels with a base zoning of RO shall be required to have a minimum 15-foot vegetated rear buffer adjacent to residentially zoned parcels; and
5. Where appropriate, fencing may be required to screen adjacent residentially zoned parcels. When a minimum 6-foot high opaque fence or wall is utilized, the zoning administrator may reduce the land use buffer by up to one-half ($\frac{1}{2}$) its required depth when deemed appropriate; however, no required vegetated buffer shall be less than 10 feet in depth.
6. Exceptions. In order to allow for new buildings to relate harmoniously with the streetscape and to other structures in the vicinity, when deemed appropriate by the Design Review Board, buildings may be permitted to encroach into the required right-of-way buffer. This exemption shall not apply to parking lots or any other vehicular use areas.

Sec. 54-229.6. FR Overlay Zone, Commercial Core Sub-Area.

The Commercial Core sub-area is the gateway and commercial center and extends from Oak Point Road (Ellis Creek Area) to Prescott Street. This area currently consists of higher intensity commercial uses such as chain type restaurants, vehicle service and repair, drug stores, and shopping centers with minimal buffering along Folly Road. The following regulations apply in addition to the requirements of Section 54-229.4, b:

a. Permitted uses. Permitted uses on a parcel shall include uses allowed in the base zoning district of that parcel as modified by Section 54-229.4, b, except that motor vehicle dealers (new and used) shall be prohibited.

b. Prohibited uses. Motor vehicle dealers (new and used) shall be prohibited.

c. Buffers.

1. A minimum of a 15-foot vegetated right-of-way buffer shall be required along Folly Road.
2. A minimum of a 25-foot rear vegetated buffer shall be required adjacent to residentially zoned parcels; and
3. Fencing may be required to screen adjacent residentially zoned parcels. When a minimum 6-foot high opaque fence or wall is utilized, the zoning administrator may reduce the land use buffer by up to one-half (1/2) its required depth when deemed appropriate; however, no required vegetated buffer shall be less than 10 feet in depth.
4. Exceptions. In order to allow for new buildings to relate harmoniously with the streetscape and to other structures in the vicinity, when deemed appropriate by the Design Review Board, buildings may be permitted to encroach into the required right-of-way buffer. This exemption shall not apply to parking lots or any other vehicular use areas.

Sec. 54-229.7. FR Overlay Zone, South Village Sub-Area.

The South Village sub-area extends from Prescott Street to Rafael Lane. This area currently consists of mixed medium to high intensity commercial development, such as shopping centers big box stores and consumer services, along the west side of Folly Road and primarily small scale office and residential uses along the east side of Folly Road. This area is intended for development similar to the North Village sub-area with less intense commercial development than the Commercial Core sub-area and a mix of medium to high intensity uses along the west side of Folly Road and lower intensity development on the east side of Folly Road. Future development in this area is to be a mix of commercial and residential uses with increased right-of-way buffers along the west side of Folly Road and increased land use buffers on both sides of Folly Road when commercial development occurs adjacent to single family detached residential uses. The following regulations apply in addition to the requirements of Section 54-229.4, b:

a. Permitted uses. Permitted uses on a parcel shall include uses allowed in the base zoning district of that parcel as modified by Section 54-229.4, b, except that motor vehicle dealers (new and used) shall be prohibited.

b. Prohibited uses. Motor vehicle dealers (new and used) shall be prohibited.

c. Buffers.

1. A minimum 15-foot vegetated right-of-way buffer shall be required along the east side of Folly Road and a minimum 35-foot vegetated right-of-way buffer shall be required along the west side of Folly Road;

2. A minimum 20-foot vegetated rear buffer shall be required adjacent to residentially zoned parcels; and
3. Fencing may be required to screen adjacent residentially zoned parcels. When a minimum 6-foot high opaque fence or wall is utilized, the zoning administrator may reduce the land use buffer by up to one-half (1/2) its required depth when deemed appropriate; however, no required vegetated buffer shall be less than 10 feet in depth.
4. Exceptions. In order to allow for new buildings to relate harmoniously with the streetscape and to other structures in the vicinity, when deemed appropriate by the Design Review Board, buildings may be permitted to encroach into the required right-of-way buffer. This exemption shall not apply to parking lots or any other vehicular use areas.

Sec. 54-229.8. FR Overlay Zone, Neighborhood Preservation Sub-Area.

The Neighborhood Preservation sub-area extends from Rafael Lane to Battery Island Drive. This area consists primarily of low-intensity residential uses with some commercial development primarily along the northwest area of Folly Road. This portion of the overlay zoning district is intended to provide an appropriate transition from the more intense commercial development in the North Village, Commercial Core, and South Village Areas before entering the Conservation Area and the City of Folly Beach. The following regulations apply in addition to the requirements of Section 54-229.4, b:

a. Permitted uses. Permitted uses on a parcel shall include uses allowed in the base zoning district of that parcel as modified by Section 54-229.4, b, except that motor vehicle dealers (new and used), eating places with drive-thru service, gasoline service stations (with or without convenience stores), indoor recreation and entertainment, and automotive repair shops shall be prohibited.

b. Prohibited uses. Motor vehicle dealers (new and used), eating places with drive-thru service, gasoline service stations (with or without convenience stores), indoor recreation and entertainment, and automotive repair shops shall be prohibited.

c. Building size. No single building structure shall exceed 5,000 square feet in gross floor area.

d. Buffers.

1. A minimum of a 25-foot vegetated right-of-way buffer shall be required along Folly Road. This buffer may be reduced to 15 feet when there is no parking or vehicular use area between buildings and right-of-way.
2. A minimum of a 20-foot vegetated rear buffer shall be required adjacent to residentially zoned parcels.
3. Fencing may be required to screen adjacent residentially zoned parcels. When a minimum 6-foot high opaque fence or wall is utilized, the

zoning administrator may reduce the land use buffer by up to one-half (1/2) its required depth when deemed appropriate; however, no required vegetated buffer shall be less than 10 feet in depth.

4. Exceptions. In order to allow for new buildings to relate harmoniously with the streetscape and to other structures in the vicinity, when deemed appropriate by the Design Review Board, buildings may be permitted to encroach into the required right-of-way buffer. This exemption shall not apply to parking lots or any other vehicular use areas.

Sec. 54-229.9. FR Overlay Zone, Conservation Sub-Area.

The Conservation sub-area extends from Battery Island Drive to the Folly River. This area is intended to be the least intensely developed area of the overlay zoning district and is to provide a natural scenic open space before entering the City of Folly Beach by preserving the marsh views and vistas of this area. This portion of the overlay zoning district is intended to provide an appropriate transition from the more intense commercial development in the North Village, Commercial Core, and South Village sub-areas before entering the Conservation sub-area and the City of Folly Beach by preserving the existing low density residential character. The following regulations apply in addition to the requirements of Section 54-229.4, b:

a. Permitted uses. Permitted uses on a parcel shall include uses allowed in the base zoning district of that parcel as modified by Section 54-229.4, b, except that motor vehicle dealers (new and used) shall be prohibited.

b. Prohibited uses.

Motor vehicle dealers (new and used) shall be prohibited.

c. Buffers.

1. A minimum of a 25-foot vegetated right-of-way buffer shall be required along Folly Road in the commercial area which may be reduced to 15 feet when there is no parking or vehicular use area between buildings and right-of-way;

2. A minimum of a 20-foot vegetated rear buffer shall be required adjacent to residentially zoned parcels; and

3. Fencing may be required to screen adjacent residentially zoned parcels. When a minimum 6-foot high opaque fence or wall is utilized, the zoning administrator may reduce the land use buffer by up to one-half (1/2) its required depth when deemed appropriate; however, no required vegetated buffer shall be less than 10 feet in depth.

4. Exceptions. In order to allow for new buildings to relate harmoniously with the streetscape and to other structures in the vicinity, when deemed appropriate by the Design Review Board, buildings may be permitted to encroach into the required right-of-way buffer. This exemption shall not apply to parking lots or any other vehicular use areas.

Section 2. This Ordinance shall become effective upon ratification.

Ratified in City Council this ____ day of
_____ in the Year of Our Lord
2017, in the ____ Year of Independence of the
United States of America.

By: _____
John J. Tecklenburg
Mayor, City of Charleston

Attest: _____
Vanessa Turner-Maybank
Clerk of Council

**CITY OF CHARLESTON
PLANNING COMMISSION**

October 18, 2017

Ordinance Amendment 2 :

Request approval to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by amending Section 54-110 to reflect the new regulations for short term rentals, amending the definitions for accommodations uses, bed and breakfast, and short term rental in Section 54-120, amending Section 54-202, Section 54-203 and the Table of Permitted Uses in Section 54-203 to reflect the new rules for short term rentals, amending the regulations for bed and breakfasts in Section 54-208 and Section 54-208.1 to rename these uses short term rentals and establish new regulations, amending the regulations for accommodations uses in Section 54-220 to add language regarding violations, amending Section 54-224 to reflect the new regulations for short term rentals, amending the regulations for Short Term Rental Overlay Zone in Section 54-227 to make these Class 4 Short Term Rentals and add language regarding violations, and amending Table 3.3: Off-street parking requirements under Section 54-317 to reflect the new rules for short term rentals.

BACKGROUND

Note: This item was presented and discussed at the Planning Commission at the October 5, 2017 special meeting. The item was deferred by Planning Commission to study the issue further.

This issue will be presented again in full detail at the October 18 meeting and a second public hearing will take place at that time.

STAFF RECOMMENDATION

APPROVAL

An Ordinance

TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) BY AMENDING SECTION 54-110 TO INCORPORATE REFERENCES TO NEW REGULATIONS FOR SHORT TERM RENTALS, AMENDING THE DEFINITIONS FOR ACCOMMODATIONS USES, BED AND BREAKFAST, AND SHORT TERM RENTAL IN SECTION 54-120, AMENDING SECTION 54-202, SECTION 54-203 AND THE TABLE OF PERMITTED USES IN SECTION 54-203 TO REFLECT THE NEW RULES FOR SHORT TERM RENTALS, AMENDING THE REGULATIONS FOR BED AND BREAKFASTS IN SECTION 54-208 AND SECTION 54-208.1, AMENDING THE REGULATIONS FOR ACCOMMODATIONS USES IN SECTION 54-220 TO ADD LANGUAGE REGARDING VIOLATIONS, AMENDING SECTION 54-224 TO REFLECT THE NEW REGULATIONS FOR SHORT TERM RENTALS, AMENDING THE REGULATIONS FOR THE SHORT TERM RENTAL OVERLAY ZONE IN SECTION 54-227 TO DESIGNATE SUCH RENTALS AS CLASS 4 SHORT TERM RENTALS AND ADD LANGUAGE REGARDING VIOLATIONS, AND AMENDING TABLE 3.3: OFF-STREET PARKING REQUIREMENTS UNDER SECTION 54-317 TO REFLECT THE NEW RULES FOR SHORT TERM RENTALS.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. Findings. City Council finds that attendant to the shared economy that is being nationally embraced is a growing trend by the public to provide accommodations in their homes to travelers. City Council finds the provision of such type of accommodations can be beneficial under certain circumstances and if properly regulated, as short term rentals provide a means to assist property owners keep properties in good order and repair, which in turn, assists in stabilizing home ownership, maintaining property values and strengthening the economy of the City. This is particularly so as applied to older homes, as the preservation of these homes is in keeping with the City's preservation goals, but by virtue of their age, often require more frequent maintenance.

City Council is mindful of the importance of maintaining the residential character of City neighborhoods. Absent appropriate controls on the number and manner and places of operation of short term rentals, neighborhoods stand to be harmed by undue commercialization and disruption to the primary and overarching purpose of a neighborhood being first and foremost a residential community, where people actually live, not places of transient occupancy. City Council is also mindful of the differing built environments of City neighborhoods. By way of example, the neighborhoods of the in the Old and

Historic District are generally denser, have narrower streets and limited off-street parking and are more impacted by commerce and tourists than other neighborhoods of the City, circumstances that require consideration if the residential character of these neighborhoods is to be protected. Moreover, while City Council is mindful of its proud tradition of historic preservation, it is also mindful of the additional obligations devolved on property owners resulting from responsible preservation regulations.

In November 2016, City Council established a short term rental task force to study the issue of the propriety of short term rentals in the City and to make recommendations to the Council with respect thereto. City Council has received and reviewed the recommendations of the task force and find that the recommendations strike an appropriate balance among the neighborhoods of the City by recognizing the different characteristics of the neighborhoods and their respective built environments, by encouraging and strengthening opportunities for historic preservation by providing a means of assisting owners of older homes upkeep their property, and significantly, by maintaining the residential character of neighborhoods by requiring that short term rentals be operated from owner-occupied homes, thus curbing the potential of the neighborhood becoming solely a place for transients.

Section 2. Sec. 54-110 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by replacing the wording “bed and breakfast” with “short term rental”.

Section 3. Sec. 54-120 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by deleting the definition of “Bed and Breakfast” in its entirety and amending the definition of “Accommodations Uses” to read as follows (deleted text shown with ~~striketrough~~ and new text shown with underline):

Accommodations Uses. Commercial uses to provide living or sleeping units, for remuneration, to one or more individuals where the intended and/or usual occupancy would not exceed twenty-nine (29) consecutive days, including hotels, motels, inns, ~~bed and breakfasts~~, short term rental units, rooming

and boarding houses, hostels, lodging units, resort units, condominiums, cooperatives, apartments, units that are included in a "Vacation Timesharing Plan" as defined in S.C. Code Ann. § 27-32-10(7), and/or in a "Vacation Timesharing Lease Plan" as defined in S.C. Code Ann. § 27-32-10(8), as each may be amended from time to time, as well as any and all similar uses where the intended and/or usual occupancy is for periods not to exceed twenty-nine (29) consecutive days, and residence club uses. For purposes hereof, individual(s) mean a person, one who owns or receives an undivided interest in a premises, a partner in a partnership that owns a premises, a beneficiary in a trust that owns a premises, a shareholder in or member of a corporation that owns a premises, a beneficiary in a trust that owns a premises, a holder of a leasehold interest in a premises or a member of a residence club or other organization that owns a premises.

Section 4. Sec. 54-120 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by deleting the definition of "Short Term Rentals" in its entirety and substituting in its place and stead the following new definitions:

Short Term Rental, Class 1, Class 2 or Class 3. A Class 1, Class 2 or Class 3 short term rental is an accessory use to a residential use of a property and contains one (1) or more rooms arranged for the purpose of providing sleeping accommodations for periods of between one (1) day and twenty-nine (29) consecutive days. A Class 1, Class 2 and Class 3 short term rental is operated by the record owner of a property, who is also a resident of the property where the short term rental is located.

Short Term Rental, Class 4. A Class 4 short term rental is a distinct type of accommodations use consisting of a limited number of fully functioning private dwelling units that are rented to families for periods of between one (1) day and twenty-nine (29) consecutive days. Distinguishing characteristics of a Class 4 short term rental is: 1) it has all the attributes of a typical dwelling unit including cooking, living, sanitary and sleeping facilities, 2) is occupied by not more than four (4) unrelated people pursuant to

the definition of “family”, 3) is located on a commercially zoned property within the STR Overlay Zone, and 4) does not require the owner or operator to reside on the property.

Section 5. Sec. 54-202 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by amending the wording of subsection h. to read as follows (deleted text shown with ~~striethrough~~ and new text shown with underline):

Short Term Rental, ST Overlay Zone. The Short Term Overlay Zone is intended to permit Class 4 Short Term Rentals, as defined herein, in specific base zoning districts within the ST Overlay Zone.

Section 6. Sec. 54-203 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by deleting the words “bed and breakfasts” in their entirety and substituting in their place and stead, the words “short term rentals”.

Section 7. Sec. 54- 207 of the Code of the City of Charleston (Zoning Ordinance), Table of Permitted Uses, Principle Use Category 7043 is hereby amended by inserting “or 54-227, ST Overlay Zone” immediately after “See 54-220, Accommodations Overlay Zone”.

Section 8. Sections 54-208 and 54-208.1 of the Code of the City of Charleston (Zoning Ordinance) are hereby amended by revising the wording of both Sections and by adding new Sections 54-208.2 and 54-208.3, all to read as follows (deleted text shown with ~~striethrough~~ and new text shown with underline):

Sec. 54-208 – General Requirements. The following provisions shall apply to all Short Term Rentals, STR’s, except for STR’s permitted allowed under Section 54-227.

a. A Short Term Rental, STR use may be permitted as Class 1, Class 2, or Class 3 STR permit, if the zoning administrator determines the STR to be an accessory use to the principal residential use on a property and satisfies the requirements of Sec. 54-208.1, 54-208.2, or 54-208.3, as applicable.

b. Operational requirements. In all cases, Class 1, 2 or 3 STR uses shall adhere to the following operational requirements:

1. The STR shall be operated by the record owner of the subject property who shall also be a resident of the subject property and who shall be residing overnight on the property while STR guests are present. For purposes of this section, to qualify as a resident of a property, the person shall designate the subject property as his legal voting address and the address of his driver's license, the subject property must be assessed at the four percent homeowner's assessment ratio according to the records of the county Assessor's Office, and the record owner shall physically reside at the subject property at least 183 days each year. A single or dual member limited liability company (LLC) may qualify as a resident of the subject property provided the member(s) provide(s) with the application for an STR permit a sworn statement attesting that (s)he or they are the sole members of the LLC. The sole member(s) must also designate the subject property as his/their legal voting address and address of his/their driver's license, the subject property must be assessed at the four percent homeowner's assessment ratio according to the records of the county Assessor's Office, and the member(s) shall physically reside at the subject property at least 183 days each year; and
2. The property shall not contain signs advertising the STR use; and
3. If meals are served by the resident owner, no meals other than breakfast may be served to the paying guests; and
4. The record owner of the subject property must keep in full force and effect during all times the STR is operated a general liability policy with a company authorized to do business in the State of South Carolina insuring against personal injury (including death) and property damage with limits of no less than \$1,000,000.00 per occurrence; and
5. The resident owner shall keep a current guest register including names, addresses and dates of occupancy of all guests.; and
6. The resident owner shall comply with all business license and revenue collection laws of the City of Charleston, Charleston County and State of South Carolina; and

7. The resident owner shall provide a rental packet containing applicable city rules and restrictions, as well as pertinent unit safety information and contact information to guests upon each booking and shall prominently display the rules, safety and contact information within the STR; and
 8. Each Class 1, 2 or 3 STR permittee is entitled to list or advertise or otherwise market not more than one (1) STR unit; and
 9. The resident owner shall list the STR permit number on all advertisements and marketing materials, including Airbnb, VRBO, and any other online listings.
 10. The STR shall not be expanded in any respect beyond the rooms noted on plans approved with the permits, nor shall the use be changed to any other use not permitted by the Zoning Ordinance without reapplication to and approval by the zoning administrator.
- c. Application procedure. Applications for STR permits shall be notarized and include the location and name of the record owner of the property, an application fee, floor plans drawn to scale of the habitable structures on the property, a site plan of the lot showing the location of the proposed STR unit and the required off-street parking spaces and driveways, and a photograph or photographs of the current principal view or views of the structure where the STR unit is to be located. The floor plans shall clearly note all rooms to be used by STR guests, and the room or rooms to be used by guests for sleeping shall be noted as well. The application shall also include a statement which the resident-owner must sign acknowledging that he or she has reviewed and understands the requirements of this Section and the applicable Section for the class of permit requested.
- Upon receiving a complete application and prior to the issuance of an STR permit, the zoning administrator shall cause the lot upon which the proposed use is to be located to be posted for fifteen (15) consecutive days, advising that the resident-owner of the property has applied for a zoning permit to establish a STR use at the location and supplying a phone number to call for further information. During this fifteen (15) calendar day period, the zoning administrator shall determine if the application meets the requirements as set forth above. If, at the end of the fifteen (15) day posting period, the zoning administrator determines that the application meets the requirements, the

zoning administrator shall notify the applicant that the application is approved and shall, after waiting an additional five business days to allow for appeals, issue the zoning permit. Any appeals filed within the five-day period shall cause the issuance of the zoning permit to be stayed pending resolution of the appeal.

Upon a change in ownership of a property, and prior to the issuance of a new business license to allow continuation of an existing, permitted STR use upon said property, the new property owner shall be required to recertify compliance of the STR use with the zoning administrator by having an application for recertification of the STR use notarized, filed with, and approved by the zoning administrator.

On an annual basis, the zoning administrator shall determine whether each STR use permitted under this section remains in compliance with all the terms of this ordinance, and shall initiate such enforcement procedures as may be appropriate. All operators of STR uses permitted under this Section shall cooperate fully with the zoning administrator and his designees, including, but not limited to, providing pertinent information upon request and affording access to that portion of the premises which is used for the STR use for reasonable site inspections.

d. Approved and breakfast uses. All approved, legal bed and breakfast uses that are operating on the effective date of this ordinance or that are entitled to be in operation on the effective date of this ordinance shall be issued a Class 1 or Class 2 STR Permit, depending on their location and shall adhere to the requirements of this section.

e. Violations and penalties.

Violations. It shall be a violation of this Chapter to operate a Class 1, 2 or 3 STR use or other accommodations use without complying with the requirements of this Chapter and the Code of the City of Charleston. It shall be a violation of this Chapter to expand an STR without obtaining a new

permit, to advertise a property as being available for an STR use or other accommodations use without first complying with the requirements of this Chapter. It shall be a violation of this Chapter to submit for advertising, marketing, representing or otherwise holding out an STR unit or other accommodations unit as being available for use or occupancy unless the STR has been permitted pursuant to this Chapter and the permit number is displayed in the materials used to advertise or market, hold out or otherwise represent the availability of the STR for use or occupancy. It shall be a violation of this Chapter to submit for advertising, marketing, representing or otherwise holding out the availability of a STR for use or occupancy by more than the number of occupants than have been permitted pursuant to this Chapter. It shall be a violation of this Chapter to submit for advertising, marketing, representing or otherwise holding out more STR units or other accommodations type units on a property than have permitted pursuant to this Chapter.

Penalties. A violation of this chapter is a misdemeanor punishable by a fine and/or incarceration. Each day the unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use continues is considered a separate offense. A violation entitles the zoning administrator to revoke the STR permit.

Should the STR use fail to meet the requirements under which it was authorized or be discontinued for a period of twelve (12) months or more, the operating permit shall be revoked.

Sec. 54-208.1 - ~~Bed and breakfasts located~~ Requirements for a Class 1 Short Term Rental, STR Permit for properties within the Old and Historic District.

- a. ~~An bed and breakfast~~STR use may be established in a dwelling unit as an accessory to the principal residential use, on any property located within the Old and Historic District, where the zoning administrator, after reviewing an ~~an bed and breakfast~~STR permit application, finds that the following requirements are met and issues a City of Charleston Class 1 STR Permit:
 1. The property shall not contain more than one (1) ~~bed and breakfast~~STR unit. Each unit shall consist of one or more rooms arranged for the purpose of providing sleeping accommodations

for transient occupancy by ~~one (1) family~~ up to four (4) adults. For the purposes of this Section, an adult shall include any person 18 years of age or older; and

2. The subject property shall be located within the Old and Historic District; and
3. The ~~bed and breakfast~~STR shall be operated by the record owner of the subject property who shall also be qualified as a resident of the subject property pursuant to the requirements of Sec. 54-208, b. 1.; ~~for the purpose of this Section of the Zoning Ordinance, to qualify as a resident of a property, the person shall use that property as their legal voting address, driver's license address, and four percent homeowners assessment ratio address, and shall actually reside on the property at least 183 days each year;~~ and
4. The ~~bed and breakfast~~STR shall be subordinate and incidental to the principal residential use of the property; and
5. The ~~bed and breakfast~~STR shall provide one (1) off street, maneuverable parking space on the subject property, in addition to providing, on the subject property, required off street parking for existing uses on the property. The parking space provided for the STR shall not be used in tandem with the required spaces for other uses; and
6. The ~~bed and breakfast~~STR unit shall be located within an existing structure or accessory building ~~constructed prior to 1860~~that is individually listed on the National Register of Historic Places; and
7. The ~~bed and breakfast~~STR unit shall not displace an existing dwelling unit which has been occupied within one (1) year prior to the filing date of the application; and
- ~~8. The property shall not contain signs advertising the bed and breakfast; and~~
- ~~98.~~ The ~~bed and breakfast~~STR use shall not create the need for exterior alterations to any building for the purpose of maintaining such accessory use; and
- ~~109.~~ The ~~bed and breakfast~~STR use shall be located on property which is in compliance with allowed uses for the zone district in which the property is located; and

~~4110.~~ The ~~bed and breakfast~~STR use shall be located on a lot which complies with the required minimum lot area for existing uses as specified under Table 3.1: Height, Area and Setback Regulations (~~applicable to SR and STR residential districts only~~); and

~~4211.~~ The ~~bed and breakfast~~STR use shall be located on a lot which has at least 40 feet of frontage on a public right-of-way (~~applicable to SR and STR residential districts only~~); and

~~4312.~~ The ~~bed and breakfast~~ applicant for the STR use shall not be operated by someone who has ~~not~~ had an bed and breakfastSTR permit revoked within the previous ~~twelve~~twenty-four (~~12~~24) months.

~~b. Operational requirements. In all cases, bed and breakfast uses shall meet the following operational requirements:~~

~~1. No meals other than breakfast may be served by the resident owner to the paying guests.~~

~~2. The resident owner shall keep a current guest register including names, addresses and dates of occupancy of all guests.~~

~~3. The resident owner shall comply with all business license and revenue collection laws of the City of Charleston, Charleston County and State of South Carolina.~~

~~c. Application process. Applications for bed and breakfast uses shall be notarized and include the location and owner of the property, a site plan of the lot showing the proposed location of the bed and breakfast use and the location of the required off-street parking space, and a photograph or photographs of the current principal view or views of the structure where the proposed bed and breakfast use is to be located. The application shall also include a statement which the resident-owner must sign acknowledging that he or she has reviewed and understands the requirements of this section.~~

~~Upon receiving a complete application and prior to the issuance of a zoning permit, the zoning administrator shall cause the lot upon which the proposed use is to be located to be posted for ten (10) consecutive days, advising that the resident-owner of the property has applied for a zoning~~

~~permit to establish a bed and breakfast use at the location and supplying a phone number to call for further information. During this ten (10) calendar day period, the zoning administrator shall determine if the application meets the requirements as set forth above. If, at the end of the ten (10) day posting period, the zoning administrator determines that the application meets the requirements, the zoning administrator shall notify the applicant that the application is approved and shall, after waiting an additional five business days to allow for appeals, issue the zoning permit. Any appeals filed within the five-day period shall cause the issuance of the zoning permit to be stayed pending resolution of the appeal.~~

~~The bed and breakfast use shall not be expanded in any respect throughout the structure or structures, nor shall the use be changed to any other use not permitted by the Zoning Ordinance without reapplication to and approval by the zoning administrator.~~

~~Upon a change in ownership of a property, and prior to the issuance of a new business license to allow continuation of an existing, permitted bed and breakfast use upon said property, the new property owner shall be required to recertify compliance of the bed and breakfast use with the zoning administrator by having an application for recertification of the bed and breakfast use notarized, filed with, and approved by the zoning administrator.~~

~~Should the bed and breakfast use fail to meet the requirements under which it was authorized for operating a bed and breakfast or be discontinued for a period of twelve (12) months or more, the operating permit shall be revoked.~~

~~On an annual basis, the zoning administrator shall determine whether each bed and breakfast use permitted under this section remains in compliance with all the terms of this ordinance, and shall initiate such enforcement procedures as may be appropriate. All operators of bed and breakfast uses permitted under this section shall cooperate fully with the zoning administrator and his designees, including, but not limited to, providing pertinent information upon request and affording access to that portion of the premises which is used for the bed and breakfast use for reasonable site inspections.~~

d. ~~Violations.~~

~~It shall be a violation of this Chapter to operate a bed and breakfast use or other similar accommodations use without complying with the requirements of this Chapter, to advertise a property as being available for a bed and breakfast use or other similar accommodations use without first complying with the requirements of this Chapter, or to advertise more bed and breakfast units or other similar accommodations type units on a property than have permitted pursuant to this Chapter.~~

Sec. 54-208.12. - ~~Bed and breakfasts located not~~ Requirements for a Class 2 Short Term Rental, STR Permit for properties located within the Old and Historic City District or located south of the Highway 17 Septima Clark Expressway and not within the Old and Historic District.

a. ~~An bed and breakfast~~STR use may be established in a dwelling unit as an accessory use to the principal residential use, on any property located on the Charleston peninsula in the Old City District or south of the Highway 17 Septima Clark Expressway right-of-way, and not located within the Old and Historic District, where the zoning administrator, after reviewing ~~an bed and breakfast~~STR application, finds that the following requirements are met and issues a City of Charleston Class 2 STR Permit:

1. ~~The number of bed and breakfast units shall not exceed four (4) units; except that a property may have between four (4) and ten (10) bed and breakfast units if the building(s) used for the bed and breakfast units contain at least 560 square feet of conditioned floor area per bed and breakfast unit and all other requirements of this section are met. Each unit shall consist of one (1) or more rooms arranged for the purpose of providing sleeping accommodations for transient occupancy by one (1) family.~~The property shall not contain more than one STR unit. Each unit shall consist of one or more rooms arranged for the purpose of providing sleeping accommodations for transient occupancy by up to four (4) adults. For the purposes of this Section, an adult shall include any person 18 years of age or older; and
2. The subject property shall be located within the Old City District or south of the Highway 17 Septima Clark Expressway right-of-way, and not within the Old and Historic District; and

3. ~~The bed and breakfast~~STR use shall be operated by the record owner of the subject property who shall also reside at~~be~~ qualified as a resident of the subject property pursuant to the requirements of Sec. 54-208, b. 1. ~~at least 183 days each year;~~ and
4. ~~The principal building on the property on which the bed and breakfast use will be located shall have been constructed 50 or more years ago although the bed and breakfast unit(s) may be located in a building that was not constructed 50 or more years ago~~The STR unit(s) shall be located within an existing structure or accessory building constructed 50 or more years ago; and
5. ~~Bed and breakfast~~The STR unit(s) located in buildings constructed 50 or more years ago shall be provided one (1) off street, maneuverable parking space on the subject property ~~for each two (2) bed and breakfast units, or fraction thereof. Bed and breakfast unit(s) located in buildings not constructed 50 or more years ago shall provide one (1) off street, maneuverable parking space on the subject property for each bed and breakfast unit. Spaces required for the bed and breakfast unit(s) shall be in addition to providing, on the subject property, required off street parking for existing uses on the property. The parking space provided for the STR shall not be parked in tandem with the required spaces for other uses;~~ and
6. ~~The property shall be permitted to have one sign advertising the bed and breakfast. The permitted sign may have a maximum of two sides and no side shall exceed four (4) square feet in total sign face area;~~ and
7. ~~The bed and breakfast~~STR shall be located on property which is in compliance with allowed uses for the zone district in which the property is located; and
7. The STR use shall not create the need for exterior alterations to any building for the purpose of maintaining such accessory use; and
8. ~~The bed and breakfast~~ applicant for the STR use shall not be operated by someone who has ~~not had an~~ not had an ~~bed and breakfast~~STR permit revoked within the previous ~~twelve~~twenty-four (24) months.

~~b. Operational requirements. In all cases, bed and breakfast uses shall meet the following operational requirements:~~

- ~~1. No meals other than breakfast may be served by the resident owner to the paying guests.~~
- ~~2. The resident owner shall keep a current guest register including names, addresses and dates of occupancy of all guests.~~
- ~~3. The resident owner shall comply with all business license and revenue collection laws of the City of Charleston, Charleston County and State of South Carolina.~~

~~c. Application process. Applications for bed and breakfast uses shall be notarized and include the location and owner of the property, a site plan of the lot showing the proposed location of the bed and breakfast use and the location of the required off-street parking space, and a photograph or photographs of the current principal view or views of the structure where the proposed bed and breakfast use is to be located. The application shall also include a statement which the resident owner must sign acknowledging that he or she has reviewed and understands the requirements of this section.~~

~~Upon receiving a complete application and prior to the issuance of a zoning permit, the zoning administrator shall cause the lot upon which the proposed use is to be located to be posted for ten (10) consecutive days, advising that the resident owner of the property has applied for a zoning permit to establish a bed and breakfast use at the location and supplying a phone number to call for further information. During this ten (10) calendar day period, the zoning administrator shall determine if the application meets the requirements as set forth above. If, at the end of the ten (10) day posting period, the zoning administrator determines that the application meets the requirements, the zoning administrator shall notify the applicant that the application is approved and shall, after waiting an additional five business days to allow for appeals, issue the zoning permit. Any appeals filed within the five-day period shall cause the issuance of the zoning permit to be stayed pending resolution of the appeal.~~

~~The bed and breakfast use shall not be expanded in any respect throughout the structure or structures, nor shall the use be changed to any other use not permitted by the Zoning Ordinance without reapplication to and approval by the zoning administrator.~~

~~Upon a change in ownership of a property, and prior to the issuance of a new business license to allow continuation of an existing, permitted bed and breakfast use upon said property, the new property owner shall be required to recertify compliance of the bed and breakfast use with the zoning administrator by having an application for recertification of the bed and breakfast use notarized, filed with, and approved by the zoning administrator.~~

~~Should the bed and breakfast use fail to meet the requirements under which it was authorized for operating a bed and breakfast or be discontinued for a period of twelve (12) months or more, the operating permit shall be revoked.~~

~~On an annual basis, the zoning administrator shall determine whether each bed and breakfast use permitted under this section remains in compliance with all the terms of this ordinance, and shall initiate such enforcement procedures as may be appropriate. All operators of bed and breakfast uses permitted under this section shall cooperate fully with the zoning administrator and his designees, including, but not limited to, providing pertinent information upon request and affording access to that portion of the premises which is used for the bed and breakfast use for reasonable site inspections.~~

~~d. Violations.~~

~~It shall be a violation of this Chapter to operate a bed and breakfast use or other similar accommodations use without complying with the requirements of this Chapter, to advertise a property as being available for a bed and breakfast use or other similar accommodations use without first complying with the requirements of this Chapter, or to advertise more bed and breakfast units or other similar accommodations type units on a property than have permitted pursuant to this Chapter.~~

Sec. 54-208.3. – Requirements for a Class 3 Short Term Rental, STR Permit for properties in all areas of the City except the areas listed in Sec. 54-208.1 or Sec. 54-208.2.

a. An STR use may be established in a dwelling unit as an accessory to the principal residential use, on any property located outside the historic districts and outside the area on the peninsula immediately south of the Highway 17 Septima Clark Expressway right-of-way, as more fully described below, where the zoning administrator, after reviewing an STR application, finds that the following requirements are met and issues a City of Charleston Class 3 STR Permit:

1. The subject property shall be located outside the Old and Historic District, outside the Old City District and not within the area of the peninsula south of the Highway 17 Septima Clark Expressway right-of-way that is outside the historic districts; and
2. The number of STR guests on the property shall not exceed four (4) adults. For the purposes of this Section, an adult shall include any person 18 years of age or older; and
3. The size and character of the STR use must be subordinate and incidental to the principal residential use of the property; and
4. The STR shall be operated by the record owner of the subject property who shall also be qualified as a resident of the subject property pursuant to the requirements of Sec. 54-208, b. 1.; and
5. The STR unit(s) shall be located within an existing structure or accessory building constructed 50 or more years ago; and
6. The property shall provide the required number of maneuverable, off-street parking spaces for existing uses. Additional off-street parking is not required for an STR use that does not include more than one (1) room to be used by STR guests for sleeping. If the STR use includes more than one (1) room for sleeping, the STR use shall provide one (1) off street, maneuverable parking space on the subject property for each additional room for sleeping, in addition to providing, on the subject property, required off street parking spaces for existing uses on the property; and

7. The STR use shall not create the need for exterior alterations to any building for the purpose of maintaining such accessory use; and

8. The applicant for the STR use shall not be someone who has ~~not~~ had an STR permit revoked within the previous twenty-four (24) months.

Section 9. Sec. 54-220 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by inserting a new subsection at the end to read as follows:

c. Violations and penalties.

Violations. It shall be a violation of this Chapter to operate an accommodations use without complying with the requirements of this Chapter and the Code of the City of Charleston. It shall be a violation of this Chapter to expand an accommodations use without obtaining a new permit, to advertise a property as being available for an accommodations use without first complying with the requirements of this Chapter. It shall be a violation of this Chapter to submit for advertising, marketing, representing or otherwise holding out an accommodations unit as being available for use or occupancy unless the accommodations unit has been permitted pursuant to this Chapter. It shall be a violation of this Chapter to submit for advertising, marketing, representing or otherwise holding out more accommodations type units on a property than have permitted pursuant to this Chapter.

Penalties. A violation of this chapter is a misdemeanor punishable by a fine and/or incarceration. Each day the unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use continues is considered a separate offense.

Section 10. Sec. 54-224 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by changing the words “bed and breakfast” to “Class 3 short term rental”.

Section 11. Sec. 54-227 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended to read as follows (deleted text shown with ~~strike through~~ and new text shown with underline):

- a. A Class 4 ~~Short term rentals~~ may be permitted in the CT, LB, GB, UC, MU-1, MU-1/WH, MU-2, and the MU-2/WH zone districts within the Short Term Rental, ST Overlay Zone as a conditional use if the use satisfies, as evidenced by an application, a site plan and floor plans of the property, the following conditions:
1. Each dwelling unit is a conforming or legal non-conforming dwelling unit not designated as an affordable housing unit or workforce housing unit and containing cooking, living, sanitary and sleeping facilities.
 2. There are no commercial uses or common areas for renters, such as breakfast rooms, associated with the residential occupation of the property. Commercial enterprises on the property must be completely separate and independent operations.
 3. There are no exterior signs for the short term rental use on the property.
 4. The owner must comply with all business license and revenue collections laws of the City of Charleston, Charleston County and State of South Carolina.
 5. Existing parking spaces on the property, if any, that satisfy the off-street parking requirements of this Chapter for the dwelling units being converted to Class 4 short term rental units shall be shown on the site plan submitted with the application and shall be retained and used for the short term rental units and no additional parking spaces shall be required.
 6. No more than nine (9) short term rental units shall be permitted on one (1) lot. Ten (10) or more short term rental units on one lot shall require approval as an accommodations use pursuant to the requirements of the accommodations overlay zone.
- For the purposes of applying Section 54-110 concerning non-conforming uses, a short term rental unit shall be seen as a continuation of use for a legal non-conforming dwelling unit.
- b. Approved short term rentals within the ST Overlay Zone. All approved, legal short term rental uses within the ST Overlay Zone that are operating on the effective date of this ordinance or that are entitled to be in operation on the effective date of this ordinance shall be issued a Class 4 STR Permit and shall adhere to the requirements of this section.

c. Violations and penalties.

Violations. It shall be a violation of this Chapter to operate a Class 4 STR use or other accommodations use without complying with the requirements of this Chapter and the Code of the City of Charleston. It shall be a violation of this Chapter to expand an STR without obtaining a new permit, to advertise a property as being available for an STR use or other accommodations use without first complying with the requirements of this Chapter. It shall be a violation of this Chapter to submit for advertising, marketing, representing or otherwise holding out an STR unit or other accommodations unit as being available for use or occupancy unless the STR has been permitted pursuant to this Chapter and the permit number is displayed in the materials used to advertise or market, hold out or otherwise represent the availability of the STR for use or occupancy. It shall be a violation of this Chapter to submit for advertising, marketing, representing or otherwise holding out the availability of a STR for use or occupancy by more than the number of occupants than have been permitted pursuant to this Chapter. It shall be a violation of this Chapter to submit for advertising, marketing, representing or otherwise holding out more STR units or other accommodations type units on a property than have permitted pursuant to this Chapter.

Penalties. A violation of this chapter is a misdemeanor punishable by a fine and/or incarceration. Each day the unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use continues is considered a separate offense. A violation entitles the zoning administrator to revoke the STR permit.

Should the STR use fail to meet the requirements under which it was authorized or be discontinued for a period of twelve (12) months or more, the operating permit shall be revoked.

Section 12. Table 3.3: Off-Street Parking Requirements, of Sec. 54-317 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by deleting the wording “bed and breakfast” under the use column for “accommodations uses” and substituting in its place and stead the wording “short term rentals” so that this reads “Accommodations uses, except short term rentals”. Table 3.3 is further amended by deleting the reference to “Bed and breakfasts” under the use column and the requirement of “1 per bed and breakfast unit” under the column for number of spaces required.

Section 13. Severability. It is hereby declared to be the intent of City Council that the sections, paragraphs, sentences, clauses and phrases of Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 are severable, and if any section, paragraph, sentence, clause or phrase of Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 be declared unconstitutional or invalid by a valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses or phrases of Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, since the same would have been enacted without the incorporation in this Section of the unconstitutional or invalid section, paragraph, sentence, clause or phrase.

Section 14. This ordinance shall become effective 90 days after ratification.

Ratified in City Council this ____ day of
 _____ in the Year of Our Lord, 201_,
 and in the ____th Year of the Independence of
 the United States of America

 John J. Tecklenburg, Mayor

ATTEST: _____

Clerk of Council

**CITY OF CHARLESTON
PLANNING COMMISSION**

October 18, 2017

Ordinance Amendment 3 :

Request approval to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) **by amending off-street parking requirements for eating and drinking places and adding off-street parking requirements for catering uses in Table 3.3 of Section 54-317 and amending restrictions for off site parking in Section 54-319.**

BACKGROUND

This issue will be presented in full detail during the October 18 meeting.

STAFF RECOMMENDATION

APPROVAL

AN ORDINANCE

TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) BY AMENDING OFF-STREET PARKING REQUIREMENTS FOR EATING AND DRINKING PLACES AND ADDING OFF-STREET PARKING REQUIREMENTS FOR CATERING USES IN TABLE 3.3 OF SECTION 54-317 AND AMENDING RESTRICTIONS FOR OFF SITE PARKING IN SECTION 54-319

BE IT ORDAINED BY THE MAYOR AND COUNCIL MEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. Section 54-317 of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by amending the off-street parking requirements in Table 3.3 for eating and drinking places to read as follows (new text in **bold** and deleted text with **strikethrough**):

USE

NUMBER OF SPACES REQUIRED

-	<u>Restaurants Eating and drinking places;</u> sit down establishments serving food and beverage (on the peninsula)	1 per 150 <u>100</u> square feet of inside patron use area (excluding bathrooms) <u>except that for a lot with this use that is more than 150 away from any lot with a residential zoning designation, measured closest point of the lot to closest point of the lot, the number of spaces required for inside patron use area shall be 1 per 150 square feet (excluding bathrooms),</u> and 1 per 200 <u>130</u> square feet of outside <u>seating patron use</u> area <u>if available.</u>
-	<u>Restaurants, Eating and drinking places;</u> sit down establishments serving food and beverage (all other areas)	1 per 90 <u>80</u> square feet of inside patron use area (excluding bathrooms), and 1 per 200 <u>130</u> square feet of outside <u>seating patron use</u> area <u>if available.</u>
-	<u>Restaurant, Eating places;</u> fast food, <u>drive-thru,</u> take-out and/or express prepared food delivery only	1 per 75 square feet of inside patron use area, plus 1 per 200 square feet of outside <u>seating patron use</u> area <u>if available.</u>
-	<u>Restaurant, Eating places;</u> drive-thru with no use area	1 per employee at maximum shift inside patron plus 1 per delivery vehicle plus 1 per 250 <u>200</u> square feet of outside <u>seating patron use</u> area.

Section 2. Section 54-317 of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by inserting new off-street parking requirements in Table 3.3 for catering uses immediately following the requirements for Eating Places to read as follows (new text in **bold**):

-	<u>Catering kitchen with no on-site food sales</u>	<u>1 per 500 square feet of gross floor area</u>
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Section 3. Section 54-319 of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended to read as follows (new text in **bold** and deleted text with **strikethrough**):

Sec. 54-319. Location of parking.

Off-street parking spaces provided pursuant to this section shall be located upon the same lot of record as the use to which they are associated. However, if the property does not provide sufficient off-street parking, parking may be provided on a properly zoned lot within 400 feet of the building or use, provided, however, that a satisfactory long-term lease **with a term** of at least 10 years is provided to and approved by the zoning administrator (such distance shall be measured from the nearest point of the parking lot to the nearest boundary of the ~~property lot~~ on which the building or use is located that the parking ~~lot~~ is said to serve), **and further provided that for eating and drinking places or catering uses, the lot used for off site parking shall not adjoin a lot with a residential zoning designation or be separated from a lot with a residential zoning designation by a right-of-way of 55 or less feet.**

Section 4. This Ordinance shall become effective upon ratification.

Ratified in City Council this ____ day of _____ in the Year of Our Lord 2017, in the ____ Year of Independence of the United States of America.

By: _____
John J. Tecklenburg
Mayor, City of Charleston

Attest: _____
Vanessa Turner-Maybank
Clerk of Council

**CITY OF CHARLESTON
PLANNING COMMISSION**

October 18, 2017

Ordinance Amendment 4 :

Request approval to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) **by amending Subsection 4 of Section 54-808 to revise the review procedure for minor subdivisions.**

BACKGROUND

This issue will be presented in full detail during the October 18 meeting.

STAFF RECOMMENDATION

APPROVAL

AN ORDINANCE

TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) BY AMENDING SUBSECTION 4 OF SECTION 54-808 AND SUBSECTION 1 OF SECTION 54-811 TO REVISE THE REVIEW PROCEDURE FOR MINOR SUBDIVISIONS

Section 1. Subsection 4. of Section 54-808 of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended to read as follows (new text in **bold** and deleted text with ~~strikethrough~~):

4. Minor subdivision review procedures. Before any minor subdivision is recorded, the owner of the property proposed to be subdivided, or an authorized agent, shall, upon payment of applicable fees as determined by the City Council, apply for and secure approval of the proposed subdivision in accordance with the following procedures:
 - a. Submittal of a preliminary plat ~~as described in section 54-810 to the Zoning Division for review and approval by the Technical Review Committee.~~ **that contains the information required in section 54-810, 1, a, (2), to the Zoning Division for review by the Plat Review Committee.**
 - b. Submittal of the final subdivision plat, prepared in accordance with section 54-811, to the zoning division for review and approval by the Plat Review Committee and City Engineer in preparation for recording with the Register of Mesne Conveyance or register of deeds.

Section 2. Subsection 1. of Section 54-811 of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended to read as follows (new text in **bold** and deleted text with ~~strikethrough~~):

1. Application procedure and requirements. The applicant shall file with the ~~Administrator~~ **City** an application for approval of a final subdivision plat. The final subdivision plat application shall:
 - a. Contain such information as described in the final plat submittal checklist for subdivision applications available from the ~~Zoning~~ **Engineering** Division.
 - b. Be made on application forms available from the ~~Zoning~~ **Engineering** Division and shall be accompanied by a fee as determined by City Council.
 - c. Include the entire subdivision, or section thereof, for which final approval is sought.
 - d. Be a reproducible record plat the size, material, and inking of which shall be as specified by the Register of Mesne Conveyance or Register of Deeds. When more than one sheet is required, an index sheet of the same size shall be filed showing the entire subdivision with the sheets numbered in sequence. Any shading placed on the plat face to add clarity shall not cover any words or figures.

- e. Except for minor adjustments for field conditions, compliance with the approved concept plan or PUD site plan and development plan in street locations, and the number of lots shall not vary more than five (5) percent.
- f. Be accompanied, if the final plat contains open space, recreational facilities, or any portion of the site in common ownership, regardless of the method of ownership, by the following documentation for approval by the Administrator and recording with the final plat:
 - (1) Plans for improvement and maintenance of the open space or facilities located thereon.
 - (2) Articles of incorporation and bylaws of the homeowners' association or other legal entity charged with improving or maintaining the open space or facilities, where open space or facilities are to be deeded to a homeowners' association or similar organization acting on behalf of the joint owners of said property, and declaration of covenants and restrictions pertaining to each and every property within the subdivision.

Section 3. This Ordinance shall become effective upon ratification.

Ratified in City Council this ____ day of
_____ in the Year of Our Lord 2017,
in the ____ Year of Independence of the United States of
America.

By: _____
John J. Tecklenburg
Mayor, City of Charleston

Attest: _____
Vanessa Turner-Maybank
Clerk of Council

**CITY OF CHARLESTON
PLANNING COMMISSION**

October 18, 2017

Ordinance Amendment 5 :

Request approval to amend Section 54-943(c) of the Code of the City of Charleston (Zoning Ordinance) **to modify the vote required of City Council in the event a matter is disapproved by the Planning Commission or when a petition in opposition to a matter signed by owners of twenty percent of the area of lots subject to the matter, or of those immediately adjacent on the sides and rear or directly opposite thereto is presented to Council to a majority of all members of the City Council.**

BACKGROUND

This issue will be presented in full detail during the October 18 meeting.

STAFF RECOMMENDATION

APPROVAL

TO AMEND SECTION 54- 943(c) OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) TO MODIFY THE VOTE REQUIRED OF CITY COUNCIL IN THE EVENT A MATTER IS DISAPPROVED BY THE PLANNING COMMISSION OR WHEN A PETITION IN OPPOSITION TO A MATTER SIGNED BY OWNERS OF TWENTY PERCENT OF THE AREA OF LOTS SUBJECT TO THE MATTER, OR OF THOSE IMMEDIATELY ADJACENT ON THE SIDES AND REAR OR DIRECTLY OPPOSITE THERETO IS PRESENTED TO COUNCIL TO ~~A MAJORITY OF ALL MEMBERS OF THE CITY COUNCIL~~ A SIMPLE MAJORITY OF A QUORUM OF THE CITY COUNCIL (AS AMENDED).

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. Section 54- 943(c) of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by changing the number of votes required of City Council in the event an amendment, supplement or change is disapproved by the Planning Commission or when a petition in opposition to a matter signed by owners of twenty percent of the area of lots affected by a matter, or of those immediately adjacent in the rear or sides thereof, or of those directly opposite thereto to a ~~simple majority of a quorum of the City Council majority of all members of the City Council~~, so that hereafter, Sec. 54-943 (c) of the Zoning Ordinance shall read as follows (changes in strike through and **bold**):

c. In case the proposed amendment, supplement, or change be disapproved by the Planning Commission, or a protest be presented duly signed and acknowledged by the owners of twenty percent or more either of the areas of the lots included in such change, or of those immediately adjacent in the rear and on the side or sides thereof or of those directly opposite thereto, such amendment, supplement or change shall not become effective except by a favorable vote of ~~a simple majority of a quorum of the City Council. a majority three-fourths (3/4) of all members the City Council.~~

Section 2. This Ordinance shall become effective upon ratification.

Ratified in City Council this _____ day of
_____ in the Year of Our Lord, 2017,
and in the _____th Year of the Independence of
the United States of America

John J. Tecklenburg, Mayor

ATTEST: _____
Clerk of Council